

**BILL NO. 01-33
AS AMENDED**

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 01-33 (As Amended)

Introduced by Council President Hirsch at the request of the County Executive

Legislative Day No. 01-31

Date October 16, 2001

AN ACT to repeal and reenact, with amendments, Chapter 214, Sediment Control and Stormwater Management, of the Harford County Code, as amended; to provide for compliance with new state requirements regarding sediment control and stormwater quantity and quality management.

By the Council, October 16, 2001

Introduced, read first time, ordered posted and public hearing scheduled

on: November 13, 2001

at: 6:45 p.m.

By Order: James E. Massey, Jr., Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on November 13, 2001, and concluded on, November 13, 2001.

James E. Massey, Jr., Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

**BILL NO. 01-33
AS AMENDED**

BILL NO. 01-33
AS AMENDED

Section 1. Be It Enacted By The County Council of Harford County, Maryland that Chapter 214, Sediment Control and Stormwater Management, of the Harford County Code, as amended, be and it is hereby repealed and reenacted in its entirety, with amendments, all to read as follows:

CHAPTER 214. SEDIMENT CONTROL AND STORMWATER MANAGEMENT

ARTICLE I. SEDIMENT CONTROL

§ 214-1. DEFINITIONS.

FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM BY THIS SECTION:

ADVERSE IMPACT - ANY DELETERIOUS EFFECT ON WATERS OR WETLANDS, INCLUDING THEIR QUALITY, QUANTITY, SURFACE AREA, SPECIES COMPOSITION, AESTHETICS OR USEFULNESS FOR HUMAN OR NATURAL USES, WHICH ARE OR MAY POTENTIALLY BE HARMFUL OR INJURIOUS TO BIOLOGICAL PRODUCTIVITY, DIVERSITY OR STABILITY OR TO HUMAN HEALTH, WELFARE OR SAFETY OR TO PROPERTY, OR WHICH UNREASONABLY INTERFERES WITH THE ENJOYMENT OF LIFE OR PROPERTY, INCLUDING OUTDOOR RECREATION.

AGRICULTURAL LAND MANAGEMENT PRACTICES - THOSE METHODS AND PROCEDURES USED IN THE FARMING OF LAND, INCLUDING BUT NOT LIMITED TO THE PLANTING, THINNING AND HARVESTING OF CHRISTMAS TREES, SHRUBS OR ORCHARD TREES; THE PREPARATION OF LAND FOR AGRICULTURAL PURPOSES, INCLUDING BUT NOT LIMITED TO INSTALLING FENCE ROWS, PLANTING OF HEDGE ROWS, PLOWING NEW FARM FIELDS OR THE RECLAMATION OF PREVIOUSLY TILLED FARM FIELDS WHEN UTILIZED FOR ONGOING FARMING OPERATIONS; AND THE CULTIVATION OF LAND IN ORDER TO FURTHER CROP OR LIVESTOCK PRODUCTION. COMMERCIAL LOGGING AND TIMBER REMOVAL OPERATIONS ARE NOT

**BILL NO. 01-33
AS AMENDED**

1 CONSIDERED AN AGRICULTURAL LAND MANAGEMENT PRACTICE.

2 APPLICANT - ANY PERSON, FIRM OR GOVERNMENTAL AGENCY WHO
3 EXECUTES THE NECESSARY FORMS AND/OR PLANS TO PROCURE OFFICIAL
4 APPROVAL FOR A PROJECT OR A PERMIT TO CARRY OUT CONSTRUCTION OF A
5 PROJECT.

6 APPROVED PLAN - A SET OF REPRESENTATIONAL DRAWINGS OR OTHER
7 DOCUMENTS SUBMITTED BY AN APPLICANT AS A PREREQUISITE TO OBTAINING A
8 GRADING AND/OR STORMWATER MANAGEMENT PERMIT, WHICH HAVE BEEN
9 DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS, THE HARFORD SOIL
10 CONSERVATION DISTRICT AND ANY STATE AND/OR FEDERAL AGENCY TO CONTAIN
11 SUFFICIENT EVIDENCE AND INFORMATION TO SATISFY THE REQUIREMENTS OF
12 THIS CHAPTER.

13 AQUIFER - A POROUS WATER-BEARING GEOLOGIC FORMATION GENERALLY
14 RESTRICTED TO SOILS CAPABLE OF YIELDING AN APPRECIABLE SUPPLY OF WATER.

15 AS-BUILT PLAN - A SET OF APPROVED PLANS AND OTHER DOCUMENTS
16 SUBMITTED BY THE ENGINEER-IN-CHARGE WHICH HAVE BEEN NOTED WITH
17 ACTUAL CONSTRUCTION INFORMATION FOR APPROVAL BY THE DEPARTMENT OF
18 PUBLIC WORKS AND ARE SEALED AND SIGNED BY THE ENGINEER-IN-CHARGE.

19 BENEFICIAL USER - THE OWNER(S) OF A LOT OR PARCEL, THE RUNOFF FROM
20 WHICH WAS CONSIDERED IN DESIGNING A STORMWATER MANAGEMENT FACILITY
21 TO SATISFY THE REQUIREMENTS OF THIS CHAPTER FOR DEVELOPING LAND.

22 BEST MANAGEMENT PRACTICES (BMP) - A STRUCTURAL DEVICE OR NON-
23 STRUCTURAL PRACTICE DESIGNED TO TEMPORARILY STORE OR TREAT
24 STORMWATER RUNOFF IN ORDER TO MITIGATE FLOODING, REDUCE POLLUTION

**BILL NO. 01-33
AS AMENDED**

1 AND PROVIDE OTHER AMENITIES.

2 BOND - A CASH BOND, CORPORATE BOND, IRREVOCABLE LETTER OF CREDIT
3 OR OTHER SECURITY APPROVED BY THE COUNTY AND REQUIRED OF THE
4 APPLICANT BY THE DEPARTMENT OF PUBLIC WORKS BEFORE ISSUANCE OF ANY
5 STORMWATER MANAGEMENT PERMIT OR GRADING PERMIT. EACH PERMIT WILL
6 REQUIRE A SEPARATE INDIVIDUAL AND INDEPENDENT PERFORMANCE BOND.

7 BUILDING PERMIT - AN OFFICIAL DOCUMENT OR CERTIFICATE ISSUED BY
8 THE HARFORD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS
9 AUTHORIZING CONSTRUCTION OF A STRUCTURE AS PROVIDED FOR IN CHAPTER 82
10 OF THE HARFORD COUNTY CODE.

11 CHANNEL PROTECTION STORAGE VOLUME (C_p) - THE VOLUME USED TO
12 DESIGN STRUCTURAL MANAGEMENT PRACTICES TO CONTROL STREAM CHANNEL
13 EROSION. METHODS FOR CALCULATING THE CHANNEL PROTECTION STORAGE
14 VOLUME ARE SPECIFIED IN THE "2000 MARYLAND STORMWATER DESIGN MANUAL,
15 VOLUMES I AND II".

16 CLEARING - ANY ACTIVITY WHICH REMOVES THE VEGETATIVE SURFACE
17 COVER, INCLUDING REMOVAL OF TREES, BRUSH AND/OR GRASS, STRIPPING,
18 GRUBBING AND STORAGE OR REMOVAL OF TOPSOIL.

19 COMAR - THE CODE OF MARYLAND REGULATIONS.

20 COUNTY - HARFORD COUNTY, MARYLAND.

21 DEPARTMENT - THE HARFORD COUNTY DEPARTMENT OF PUBLIC WORKS
22 REPRESENTED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

23 DESIGN MANUAL - THE "2000 MARYLAND STORMWATER DESIGN MANUAL,
24 VOLUMES I AND II" THAT SERVES AS THE OFFICIAL GUIDE FOR STORMWATER

**BILL NO. 01-33
AS AMENDED**

1 MANAGEMENT PRINCIPLES, METHODS AND PRACTICES.

2 DETENTION STRUCTURE - A PERMANENT STRUCTURE FOR THE TEMPORARY
3 STORAGE OF STORMWATER RUNOFF, WHICH IS DESIGNED SO AS NOT TO CREATE A
4 PERMANENT POOL OF WATER.

5 DEVELOPER - ANY PERSON, FIRM OR GOVERNMENTAL AGENCY WHOSE
6 OBJECTIVE IS TO DEVELOP LAND.

7 DEVELOP LAND - TO CHANGE THE RUNOFF CHARACTERISTICS OF A PARCEL
8 OF LAND IN CONJUNCTION WITH THE CONSTRUCTION, RECONSTRUCTION,
9 CONVERSION, ERECTION, ALTERATION, RELOCATION OR ENLARGEMENT OF ANY
10 RESIDENTIAL, COMMERCIAL, INDUSTRIAL, RECREATIONAL OR INSTITUTIONAL
11 BUILDING, STRUCTURE, ROADWAY OR PAVING; ANY MINING OR LANDFILL; OR ANY
12 LAND-DISTURBING ACTIVITIES IN PREPARATION FOR ANY OF THE ABOVE.

13 DEVELOPMENT - THE CONSTRUCTION OF ANY RESIDENTIAL, COMMERCIAL,
14 INDUSTRIAL, RECREATIONAL OR INSTITUTIONAL BUILDING, STRUCTURE,
15 ROADWAY OR PAVING; ANY MINING OR LANDFILL; OR ANY LAND-DISTURBING
16 ACTIVITIES IN PREPARATION FOR THE ABOVE.

17 DIRECT DISCHARGE - THE CONCENTRATED RELEASE OF STORMWATER TO
18 TIDAL WATERS OR VEGETATED TIDAL WETLANDS FROM NEW DEVELOPMENT OR
19 REDEVELOPMENT PROJECTS IN THE CRITICAL AREA.

20 DIRECTOR - THE DIRECTOR OF PUBLIC WORKS OF THE COUNTY.

21 DISTRICT - HARFORD SOIL CONSERVATION DISTRICT.

22 DRAINAGE AREA - THAT AREA CONTRIBUTING RUNOFF TO A SINGLE POINT
23 MEASURED IN A HORIZONTAL PLANE WHICH IS ENCLOSED BY A RIDGE LINE AS
24 DETERMINED BY EXISTING OR PROPOSED CONTOURS, AND/OR FEATURES

BILL NO. 01-33
AS AMENDED

1 DEPENDING ON THE PURPOSE FOR WHICH THE AREA IS DEFINED.

2 EASEMENT - A GRANT OR RESERVATION BY THE OWNER OF LAND FOR THE
3 USE OF SUCH LAND BY OTHERS FOR A SPECIFIC PURPOSE OR PURPOSES, AND
4 WHICH MUST BE INCLUDED IN THE CONVEYANCE OF LAND AFFECTED BY SUCH
5 EASEMENT.

6 ENGINEER-IN-CHARGE - THE PROFESSIONAL ENGINEER WHO IS RESPONSIBLE
7 FOR ASSURING THAT STORMWATER MANAGEMENT FACILITIES ARE BUILT IN
8 ACCORDANCE WITH THE APPROVED PLANS AND IN ACCORDANCE WITH THE
9 ASSUMPTIONS MADE DURING THE DESIGN AND CERTIFIED SAME TO THE
10 DEPARTMENT.

11 EROSION - THE PROCESS BY WHICH THE LAND SURFACE IS WORN BY THE
12 ACTION OF WIND, WATER, ICE OR GRAVITY.

13 EXCAVATION - ANY ACT BY WHICH SOIL IS CUT INTO, DUG, QUARRIED,
14 UNCOVERED, REMOVED, DISPLACED OR RELOCATED.

15 EXEMPTION - THOSE SITES THAT ARE NOT SUBJECT TO THE REQUIREMENTS
16 CONTAINED IN ARTICLE I AND/OR ARTICLE II. EXEMPTIONS ARE CONSIDERED ON
17 AN INDIVIDUAL BASIS FOR EACH ARTICLE. AN EXEMPTION FOR ONE ARTICLE DOES
18 NOT CONSTITUTE AN EXEMPTION FOR OTHER ARTICLES.

19 EXTENDED DETENTION - A STORMWATER DESIGN FEATURE THAT PROVIDES
20 GRADUAL RELEASE OF A VOLUME OF WATER IN ORDER TO INCREASE SETTLING OF
21 POLLUTANTS AND PROTECT DOWNSTREAM CHANNELS FROM FREQUENT STORM
22 EVENTS. METHODS OF DESIGNING EXTENDED DETENTION BMPS ARE SPECIFIED IN
23 THE DESIGN MANUAL.

24 EXTREME FLOOD VOLUME (Q_f) - THE STORAGE VOLUME REQUIRED TO

**BILL NO. 01-33
AS AMENDED**

1 CONTROL THOSE INFREQUENT BUT LARGE STORM EVENTS IN WHICH OVER BANK
2 FLOWS REACH OR EXCEED THE BOUNDARIES OF THE 100-YEAR FLOODPLAIN.

3 FILLING - ANY ACT BY WHICH SOIL IS DEPOSITED, DROPPED, PLACED,
4 PUSHED, PULLED OR TRANSPORTED TO A LOCATION DIFFERENT FROM ITS
5 ORIGINAL POSITION, AND SHALL INCLUDE THE CONDITIONS RESULTING
6 THEREFROM.

7 FINAL GRADING - THE GRADING OF A SITE TO THE FINISHED GRADE.

8 FINISHED GRADE - THE FINAL GRADE OR ELEVATION OF THE GROUND
9 SURFACE.

10 FLOODPLAIN (100-YEAR) - THAT LAND WHICH IS THEORETICALLY
11 INUNDATED BY THE STORMWATER RUNOFF CREATED BY A 100-YEAR FREQUENCY
12 RAINFALL EVENT (WHICH IS AN EVENT HAVING A 1% CHANCE OF OCCURRENCE IN
13 ANY YEAR) CALCULATED USING CURRENT STANDARDS APPROVED BY THE
14 DEPARTMENT BASED ON A MAXIMUM DEVELOPMENT OF THE WATERSHED AS
15 CURRENTLY ZONED.

16 FLOW ATTENUATION - PROLONGING THE FLOW TIME OF RUNOFF TO REDUCE
17 THE PEAK DISCHARGE.

18 FOREST HARVEST OPERATION - THE COMMERCIAL LOGGING OR HARVESTING
19 OF TIMBER BY CUTTING TREES AT OR ABOVE GROUND LEVEL INCLUDING BUT NOT
20 LIMITED TO THE ASSOCIATED HAUL ROAD, SKID TRAILS AND STAGING AREAS. THE
21 REMOVAL OF STUMPS OR ROOTS IS NOT CONSIDERED A FOREST HARVEST
22 OPERATION.

23 FOREST HARVEST PERMIT - A PERMIT AUTHORIZING A FOREST HARVEST
24 OPERATION IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE I.

BILL NO. 01-33
AS AMENDED

1 GRADING - THE STOCKPILING, EXCAVATING OR FILLING OF EARTH
2 MATERIAL, OR ANY LAND-DISTURBING ACTIVITY, OR ANY COMBINATION THEREOF.

3 GRADING PERMIT - THE PERMIT ISSUED BY THE DEPARTMENT AUTHORIZING
4 LAND-DISTURBING ACTIVITIES IN ACCORDANCE WITH THE REQUIREMENTS OF
5 ARTICLE I.

6 GRADING PERMIT HOLDER – ANY PERSON TO WHOM A GRADING PERMIT IS
7 ISSUED PURSUANT TO ARTICLE I.

8 INFILTRATION - THE PASSAGE, MOVEMENT, PENETRATION, ABSORPTION OR
9 PERCOLATION OF WATER INTO AND THROUGH THE SOIL MEDIA.

10 LAND-DISTURBING ACTIVITY - ANY TILLING, CLEARING, GRUBBING OR
11 GRADING OF THE LAND, OR ANY ARTIFICIAL MOVEMENT OF THE SOIL, OR THE
12 COVERING OF LAND SURFACES WITH AN IMPERMEABLE LAYER.

13 MAINTENANCE BOND - A CASH BOND, CORPORATE BOND, IRREVOCABLE
14 LETTER OF CREDIT OR OTHER SECURITY APPROVED BY THE COUNTY AND
15 REQUIRED OF THE APPLICANT BY THE DEPARTMENT FOR THE MAINTENANCE
16 PERIOD. EACH PERMIT WILL REQUIRE A SEPARATE INDIVIDUAL AND INDEPENDENT
17 MAINTENANCE BOND.

18 MARYLAND 378 SPECS – THE UNITED STATES DEPARTMENT OF
19 AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, “MARYLAND
20 CONSERVATION PRACTICE STANDARD, POND CODE 378,” LATEST EDITION.

21 NONPOINT SOURCE POLLUTION - POLLUTION THAT IS GENERATED BY
22 DIFFUSE LAND USE ACTIVITIES RATHER THAN FROM AN IDENTIFIABLE OR
23 DISCRETE SOURCE AND IS CONVEYED TO WATERWAYS THROUGH NATURAL
24 PROCESSES, SUCH AS RAINFALL, STORMWATER RUNOFF OR GROUNDWATER

**BILL NO. 01-33
AS AMENDED**

1 SEEPAGE RATHER THAN BY DIRECT DISCHARGE.

2 OFF-SITE STORMWATER MANAGEMENT - STORMWATER MANAGEMENT
3 DESIGNED AND CONSTRUCTED OUTSIDE THE BOUNDARIES OF THE SITE BEING
4 DEVELOPED SO AS TO MANAGE STORMWATER RUNOFF FOR THE DRAINAGE AREA
5 OF THE SITE; OR CONSTRUCTED TO MANAGE STORMWATER RUNOFF FOR MANY
6 SITES AND LOCATED WITHIN ONE OF THE SITES BEING MANAGED; OR A REGIONAL
7 FACILITY.

8 ON-SITE STORMWATER MANAGEMENT - STORMWATER MANAGEMENT
9 DESIGNED AND CONSTRUCTED WITHIN THE BOUNDARIES OF THE SITE TO MANAGE
10 STORMWATER RUNOFF FROM THE SITE.

11 OVER BANK FLOOD PROTECTION VOLUME (Q_p) – THE VOLUME CONTROLLED
12 BY STRUCTURAL PRACTICES TO PREVENT AN INCREASE IN THE FREQUENCY OF
13 OUT OF BANK FLOODING GENERATED BY DEVELOPMENT. METHODS FOR
14 CALCULATING THE OVER BANK FLOOD PROTECTION VOLUME ARE SPECIFIED IN
15 THE DESIGN MANUAL.

16 PERFORMANCE BOND - A CASH BOND, CORPORATE BOND, IRREVOCABLE
17 LETTER OF CREDIT OR OTHER SURETY APPROVED BY THE COUNTY AND REQUIRED
18 OF THE APPLICANT BY THE DEPARTMENT BEFORE ISSUANCE OF ANY STORMWATER
19 MANAGEMENT PERMIT OR GRADING PERMIT. EACH PERMIT WILL REQUIRE A
20 SEPARATE INDIVIDUAL PERFORMANCE BOND.

21 PERMANENT BORROW AREA - AN EXCAVATION YIELDING SOIL IN EXCESS OF
22 1,500 CUBIC YARDS, WHICH WILL NOT BE FILLED IN OR RESTORED TO THE
23 APPROXIMATE CONTOURS EXISTING BEFORE THE EXCAVATION. THIS DEFINITION
24 SHALL NOT APPLY TO AREAS WITHIN A SURFACE MINE'S AFFECTED LAND, AS

BILL NO. 01-33
AS AMENDED

1 DEFINED IN THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF
2 MARYLAND.

3 PERMANENT STABILIZATION - A PRACTICE WHERE VEGETATIVE COVER
4 AND/OR STRUCTURAL METHODS ARE APPLIED TO A SITE PER REQUIREMENTS OF
5 THE STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT
6 CONTROL OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT WHICH WILL
7 RESULT IN A PERMANENT COVER TO PREVENT EROSION OR OTHER ADVERSE
8 IMPACTS FROM OCCURRING.

9 PERMANENT STOCKPILE AREA - AN AREA WHERE EXCESS SOIL OVER 1,000
10 CUBIC YARDS IS PLACED AND WILL NOT BE REMOVED OR RESTORED TO THE
11 APPROXIMATE CONTOURS EXISTING BEFORE THE PLACEMENT. THIS DEFINITION
12 SHALL NOT APPLY TO AREAS WITHIN A SURFACE MINE'S AFFECTED LAND, AS
13 DEFINED IN THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF
14 MARYLAND.

15 POINT SOURCE POLLUTION - POLLUTION DISCHARGED THROUGH ANY
16 DISCERNABLE, CONFINED AND DISCRETE CONVEYANCE, INCLUDING ANY PIPE,
17 DITCH, CHANNEL, TUNNEL, CONDUIT, WELL OR DISCRETE FISSURE.

18 POST-DEVELOPMENT - THOSE CONDITIONS THAT EXIST AFTER
19 DEVELOPMENT.

20 PRE-DEVELOPMENT - THOSE CONDITIONS THAT EXIST PRIOR TO ANY
21 DEVELOPMENT OCCURRING ON THE LAND.

22 PROFESSIONAL ARCHITECT - AN ARCHITECT DULY REGISTERED BY THE
23 STATE OF MARYLAND TO PRACTICE PROFESSIONAL ARCHITECTURE IN
24 ACCORDANCE WITH THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND,

BILL NO. 01-33
AS AMENDED

1 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, TITLE 3, AS AMENDED.

2 PROFESSIONAL ENGINEER - AN ENGINEER DULY LICENSED BY THE STATE OF
3 MARYLAND TO PRACTICE PROFESSIONAL ENGINEERING IN ACCORDANCE WITH THE
4 PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, BUSINESS OCCUPATIONS
5 AND PROFESSIONS ARTICLE, TITLE 14, AS AMENDED.

6 PROFESSIONAL FORESTER - A FORESTER DULY REGISTERED BY THE STATE OF
7 MARYLAND TO PRACTICE PROFESSIONAL FORESTRY IN ACCORDANCE WITH THE
8 PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, BUSINESS OCCUPATIONS
9 AND PROFESSIONS ARTICLE, TITLE 7, AS AMENDED.

10 PROFESSIONAL LANDSCAPE ARCHITECT - A LANDSCAPE ARCHITECT DULY
11 REGISTERED BY THE STATE OF MARYLAND TO PRACTICE PROFESSIONAL
12 LANDSCAPE ARCHITECTURE IN ACCORDANCE WITH THE PROVISIONS OF THE
13 ANNOTATED CODE OF MARYLAND, BUSINESS OCCUPATIONS AND PROFESSIONS
14 ARTICLE, TITLE 9, AS AMENDED.

15 PROFESSIONAL LAND SURVEYOR - A LAND SURVEYOR DULY REGISTERED BY
16 THE STATE OF MARYLAND TO PRACTICE PROFESSIONAL LAND SURVEYING IN
17 ACCORDANCE WITH THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND,
18 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, TITLE 15, AS AMENDED.

19 RECHARGE VOLUME (Re_v) – THAT PORTION OF THE WATER QUALITY VOLUME
20 USED TO MAINTAIN GROUNDWATER RECHARGE RATES AT DEVELOPMENT SITES.
21 METHODS FOR CALCULATING THE RECHARGE VOLUME ARE SPECIFIED IN THE
22 DESIGN MANUAL.

23 REDEVELOPMENT – ANY CONSTRUCTION, ALTERATION OR IMPROVEMENT
24 EXCEEDING 5,000 SQUARE FEET OF LAND DISTURBANCE PERFORMED ON SITES

BILL NO. 01-33
AS AMENDED

1 WHERE EXISTING LAND USE IS COMMERCIAL, INDUSTRIAL, INSTITUTIONAL OR
2 MULTI-FAMILY RESIDENTIAL.

3 RESPONSIBLE PERSONNEL - ANY FOREMAN, SUPERINTENDENT OR PROJECT
4 ENGINEER OR COMBINATION THEREOF CARRYING A VALID CERTIFICATE OF
5 TRAINING FOR EROSION AND SEDIMENT CONTROL (GREEN CARD), ISSUED BY THE
6 STATE OF MARYLAND, WHO IS RESPONSIBLE FOR AND IS PRESENT DURING ALL
7 LAND-DISTURBING ACTIVITIES WITHIN A SITE.

8 RETENTION STRUCTURE - A PERMANENT STRUCTURE DESIGNED TO PROVIDE
9 STORAGE OF RUNOFF BY MEANS OF A PERMANENT POOL OF WATER.

10 RETROFITTING – THE CONSTRUCTION OF A STRUCTURAL BMP IN A
11 PREVIOUSLY DEVELOPED AREA, THE MODIFICATION OF AN EXISTING STRUCTURAL
12 BMP OR THE IMPLEMENTATION OF A NONSTRUCTURAL PRACTICE TO IMPROVE
13 WATER QUALITY OVER CURRENT CONDITIONS.

14 ROUGH GRADING - ANY GRADING PRIOR TO THE FINAL GRADING OF THE
15 SITE.

16 RULES AND REGULATIONS - HARFORD COUNTY RULES AND REGULATIONS
17 FOR STORMWATER MANAGEMENT.

18 SEDIMENT - SOILS OR OTHER SURFICIAL MATERIALS TRANSPORTED OR
19 DEPOSITED BY THE ACTION OF WIND, WATER, ICE OR GRAVITY.

20 SEDIMENT CONTROL MEASURE/DEVICE - A MEASURE, DEVICE, STRUCTURE
21 OR SYSTEM USED DURING DEVELOPMENT TO CONTROL EROSION AND SEDIMENT
22 DEPOSITION.

23 SEDIMENT TRAPPING DEVICE – AN AREA WHERE SEDIMENT RUNOFF IS
24 CONCENTRATED AND SEDIMENT CONTENT IS REDUCED THROUGH DETENTION,

**BILL NO. 01-33
AS AMENDED**

FILTRATION OR A COMBINATION THEREOF, MOST COMMONLY A SEDIMENT TRAP
OR SEDIMENT BASIN.

SENSITIVE AREAS - TIDAL AND NON-TIDAL WETLAND AREAS, NATURAL
RESOURCE DISTRICTS AND THE BUFFERS ASSOCIATED WITH EACH.

SITE –

A. FOR NEW DEVELOPMENT: ANY TRACT, LOT OR PARCEL OF LAND
OR COMBINATION OF CONTIGUOUS TRACTS, LOTS OR PARCELS OF LAND WHICH
ARE IN ONE OWNERSHIP OR ARE CONTIGUOUS AND IN DIVERSE OWNERSHIP WHERE
DEVELOPMENT IS TO BE PERFORMED AS PART OF A UNIT, SUBDIVISION OR
PROJECT.

B. FOR REDEVELOPMENT: THE AREA OF NEW CONSTRUCTION
SHOWN ON AN APPROVED SITE PLAN; OR THE ORIGINAL PARCEL. FINAL
DETERMINATION OF THE APPLICABLE AREA SHALL BE MADE BY THE DEPARTMENT.

SLOPE - THE DEVIATION OF THE LAND SURFACE FROM THE HORIZONTAL.
EXPRESSED EITHER AS A RATIO OF HORIZONTAL DISTANCE TO VERTICAL
DISTANCE OR AS A PERCENTAGE (VERTICAL DISTANCE DIVIDED BY HORIZONTAL
DISTANCE MULTIPLIED BY 100).

SOIL - EARTH, SAND, GRAVEL, ROCK OR OTHER SURFICIAL MATERIAL.

SOIL CONSERVATION WATER QUALITY PLAN - A PLAN FOR AGRICULTURAL
PROPERTIES PREPARED BY THE DISTRICT TO PROTECT THE PRODUCTIVITY OF THE
LAND BASE, PRESERVE OR ENHANCE WATER QUALITY, CONSERVE FISH AND
WILDLIFE AND PLANT HABITAT BY INCORPORATING BMPS INCLUDING CONTROL OF
NUTRIENTS, ANIMAL WASTES, TOXINS, SEDIMENTS AND RUNOFF.

STANDARD PLAN – THE COUNTY’S FORM AUTHORIZING LAND-DISTURBING

BILL NO. 01-33
AS AMENDED

1 ACTIVITIES BETWEEN 5,000 AND 30,000 SQUARE FEET OF DISTURBED AREA OR
2 INVOLVING BETWEEN 100 AND 1,000 CUBIC YARDS OF EARTH MOVEMENT.

3 STANDARD PLAN HOLDER - ANY PERSON TO WHOM A STANDARD PLAN IS
4 ISSUED PURSUANT TO ARTICLE I.

5 STANDARDS AND SPECIFICATIONS - THE CURRENT MARYLAND STANDARDS
6 AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.

7 STOP WORK ORDER - AN ORDER ISSUED BY THE DEPARTMENT, DUE TO THE
8 EXISTENCE OF A VIOLATION OF THIS CHAPTER ON THE SITE, TO CEASE ALL WORK
9 WITH THE EXCEPTION OF WORK REQUIRED TO CORRECT THE VIOLATION UNTIL THE
10 VIOLATION IS CORRECTED TO THE SATISFACTION OF THE DEPARTMENT.

11 STORMWATER MANAGEMENT -

12 A. FOR QUANTITATIVE CONTROL, A SYSTEM OF VEGETATIVE
13 AND/OR STRUCTURAL MEASURES THAT CONTROL THE VOLUME, TIMING AND PEAK
14 RATE OF SURFACE RUNOFF CAUSED BY CHANGES TO THE LAND.

15 B. FOR QUALITATIVE CONTROL, A SYSTEM OF VEGETATIVE,
16 STRUCTURAL AND OTHER MEASURES THAT REDUCE OR ELIMINATE POLLUTANTS
17 IN SURFACE RUNOFF.

18 STORMWATER MANAGEMENT MAINTENANCE AGREEMENT - A SIGNED
19 AGREEMENT BETWEEN THE COUNTY AND THE PROPERTY OWNER(S) RECORDED IN
20 THE LAND RECORDS OF THE COUNTY TO ENSURE MAINTENANCE OF PRIVATELY
21 OWNED STORMWATER MANAGEMENT FACILITIES.

22 STORMWATER MANAGEMENT PERMIT - THE STORMWATER MANAGEMENT
23 PERMIT ISSUED BY THE DEPARTMENT AUTHORIZING THE INSTALLATION OF
24 STORMWATER MANAGEMENT MEASURE(S) IN ACCORDANCE WITH THE

BILL NO. 01-33
AS AMENDED

1 REQUIREMENTS OF ARTICLE II.

2 STORMWATER MANAGEMENT PLAN – A SET OF DRAWINGS OR OTHER
3 DOCUMENTS SUBMITTED BY A PERSON AS A PREREQUISITE TO OBTAINING A
4 STORMWATER MANAGEMENT APPROVAL, WHICH CONTAIN ALL OF THE
5 INFORMATION AND SPECIFICATIONS PERTAINING TO STORMWATER MANAGEMENT.

6 STREAM - THOSE PERENNIAL AND INTERMITTENT WATERCOURSES
7 IDENTIFIED THROUGH SITE INSPECTION AND AS APPROVED BY THE DEPARTMENT.
8 THE MOST RECENT COUNTY PHOTOGRAMMETRIC MAPS MAY BE USED AS A GUIDE
9 FOR THE PRELIMINARY ESTABLISHMENT OF POSSIBLE WATERCOURSES.

10 STREAM ORDER - A CLASSIFICATION SYSTEM OF STREAMS BASED ON
11 STREAM HIERARCHY; THE SMALLER THE STREAM, THE LOWER ITS NUMERICAL
12 CLASSIFICATION. A FIRST ORDER STREAM DOES NOT HAVE TRIBUTARIES AND
13 NORMALLY ORIGINATES FROM SPRINGS AND/OR SEEPS. AT THE CONFLUENCE OF
14 TWO FIRST ORDER STREAMS, A SECOND ORDER STREAM BEGINS. SIMILARLY, A
15 THIRD ORDER STREAM BEGINS AT THE CONFLUENCE OF TWO SECOND ORDER
16 STREAMS AND SO ON.

17 STREAM SYSTEM - A WATERCOURSE TOGETHER WITH THE 100-YEAR
18 FLOODPLAIN AND/OR HYDROLOGICALLY CONNECTED NONTIDAL WETLANDS.

19 STRIPPING – ANY ACTIVITY WHICH REMOVES THE VEGETATIVE SURFACE
20 COVER, INCLUDING TREE REMOVAL, CLEARING, GRUBBING AND STORAGE OR
21 REMOVAL OF TOPSOIL.

22 SURFACE WATER DESIGNATED USES - DESIGNATED USES FOR THE SURFACE
23 WATERS OF THE STATE SET FORTH IN COMAR 26.08.02.02.

24 TEMPORARY BORROW AREA - AN EXCAVATION YIELDING SOIL IN EXCESS OF

BILL NO. 01-33
AS AMENDED

1 1,500 CUBIC YARDS, WHICH WILL BE FILLED IN OR RESTORED TO APPROXIMATE
2 CONTOURS EXISTING BEFORE THE EXCAVATION WITHIN TWO YEARS FROM THE
3 DATE OF THE EXCAVATION. THIS DEFINITION SHALL NOT APPLY TO AREAS WITHIN
4 A SURFACE MINE'S AFFECTED LAND, AS DEFINED IN THE ENVIRONMENT ARTICLE
5 OF THE ANNOTATED CODE OF MARYLAND.

6 TEMPORARY STABILIZATION - A PRACTICE WHERE VEGETATIVE COVER
7 AND/OR STRUCTURAL METHODS ARE APPLIED PER REQUIREMENTS OF THE
8 STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL,
9 WHICH RESULT IN A TEMPORARY COVER TO PREVENT EROSION OR OTHER
10 ADVERSE IMPACTS FROM OCCURRING.

11 TEMPORARY STOCKPILE AREA - AN AREA WHERE SOIL IN EXCESS OF 1,500
12 CUBIC YARDS IS PLACED WHICH WILL BE REMOVED AND RESTORED TO
13 APPROXIMATE CONTOURS EXISTING BEFORE THE PLACEMENT WITHIN TWO YEARS
14 FROM THE INITIAL PLACEMENT. THIS DEFINITION SHALL NOT APPLY TO A
15 SURFACE MINE'S AFFECTED LAND, AS DEFINED IN THE ENVIRONMENT ARTICLE OF
16 THE ANNOTATED CODE OF MARYLAND.

17 USDA - THE UNITED STATES DEPARTMENT OF AGRICULTURE.

18 USE AND OCCUPANCY PERMIT - AN OFFICIAL DOCUMENT OR CERTIFICATE
19 ISSUED BY THE HARFORD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES AND
20 PERMITS AUTHORIZING THE USE OF A STRUCTURE FOR THE PURPOSE FOR WHICH IT
21 WAS INTENDED, AS PROVIDED FOR IN CHAPTER 82 OF THE HARFORD COUNTY
22 CODE.

23 VARIANCE - A MODIFICATION OF THE MINIMUM REQUIREMENTS OF ARTICLE
24 I AND/OR ARTICLE II FOR A SITE WHEN REQUESTED BY THE APPLICANT UNDER

BILL NO. 01-33
AS AMENDED

1 SPECIFIC CIRCUMSTANCES FOR WHICH STRICT ADHERENCE OF THE REQUIREMENTS
2 WOULD NOT FULFILL THE PROVISIONS OF THIS CHAPTER. THE REVIEW FOR A
3 VARIANCE FOR EACH ARTICLE IS INDEPENDENT OF THE REMAINING ARTICLE.

4 WAIVER - THE PARTIAL OR COMPLETE RELINQUISHMENT FROM THE
5 REQUIREMENTS OF ARTICLE I AND/OR ARTICLE II BY THE DEPARTMENT FOR A SITE
6 WHEN REQUESTED BY THE APPLICANT. THE REVIEW FOR A WAIVER FOR EACH
7 ARTICLE IS INDEPENDENT OF THE REMAINING ARTICLE.

8 A. QUALITATIVE STORMWATER MANAGEMENT WAIVER INCLUDES
9 WATER QUALITY VOLUME AND RECHARGE VOLUME DESIGN PARAMETERS.

10 B. QUANTITATIVE STORMWATER MANAGEMENT WAIVER
11 INCLUDES CHANNEL PROTECTION STORAGE VOLUME, OVERBANK FLOOD
12 PROTECTION VOLUME AND EXTREME FLOOD VOLUME DESIGN PARAMETER.

13 WASTE - INDUSTRIAL WASTE AND ALL OTHER LIQUID, GASEOUS, SOLID AND
14 OTHER SUBSTANCES WHICH MAY CAUSE POLLUTION.

15 WASTEWATER - LIQUID WASTE SUBSTANCES DERIVED FROM INDUSTRIAL,
16 COMMERCIAL, MUNICIPAL, RESIDENTIAL, AGRICULTURAL, RECREATIONAL OR
17 OTHER OPERATIONS OR ESTABLISHMENTS; OR OTHER LIQUID WASTE SUBSTANCE
18 CONTAINING LIQUID, GASEOUS OR SOLID MATTER AND HAVING CHARACTERISTICS
19 WHICH MAY CAUSE POLLUTION.

20 WATERS OF THE STATE - BOTH SURFACE AND UNDERGROUND
21 WATERCOURSES WITHIN THE BOUNDARIES OF THE STATE OF MARYLAND SUBJECT
22 TO ITS JURISDICTION, INCLUDING THAT PART OF THE ATLANTIC OCEAN WITHIN
23 THE BOUNDARIES OF THE STATE, THE CHESAPEAKE BAY AND ITS TRIBUTARIES,
24 AND ALL PONDS, LAKES, WATERCOURSES, TIDAL AND NON-TIDAL WETLANDS AND

**BILL NO. 01-33
AS AMENDED**

PUBLIC DRAINAGE SYSTEMS WITHIN THIS STATE, OTHER THAN THOSE DESIGNED AND USED TO COLLECT, CONVEY OR DISPOSE OF SANITARY SEWAGE; AND THE FLOODPLAIN OF FREE-FLOWING WATERS DETERMINED BY THE DEPARTMENT OF THE ENVIRONMENT ON THE BASIS OF THE 100-YEAR FLOODPLAIN.

WATERCOURSE - ANY NATURAL OR ARTIFICIAL STREAMS, RIVERS, CREEKS, DITCHES, CHANNELS, CANALS, CONDUITS, CULVERTS, DRAINS, WATERWAYS, GULLIES, RAVINES OR WASHES, IN WHICH WATER FLOWS IN A DEFINITE DIRECTION OR COURSE, EITHER CONTINUOUSLY OR INTERMITTENTLY, AND INCLUDING ANY AREA ADJACENT THERETO WHICH IS SUBJECT TO INUNDATION BY REASON OF OVERFLOW OR FLOODWATER.

WATER MANAGEMENT ADMINISTRATION – THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, WATER MANAGEMENT ADMINISTRATION.

WATER QUALITY VOLUME (WQ_v) – THE VOLUME NEEDED TO CAPTURE AND TREAT THE RUNOFF FROM 90% OF THE AVERAGE ANNUAL RAINFALL AT A DEVELOPMENT SITE. METHODS FOR CALCULATING THE WATER QUALITY VOLUME ARE SPECIFIED IN THE DESIGN MANUAL.

WATERSHED - THE TOTAL DRAINAGE AREA CONTRIBUTING RUNOFF TO A SINGLE POINT.

§ 214-2. PURPOSE.

A. THE PURPOSE OF THIS ARTICLE IS TO PROTECT, MAINTAIN AND ENHANCE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING MINIMUM REQUIREMENTS AND PROCEDURES TO CONTROL THE ADVERSE IMPACTS ASSOCIATED WITH ACCELERATED SOIL EROSION AND THE RESULTANT SEDIMENTATION. MINIMIZING SOIL EROSION AND OFF-SITE

BILL NO. 01-33
AS AMENDED

1 SEDIMENTATION WILL MINIMIZE DAMAGE TO PUBLIC AND PRIVATE PROPERTY
2 AND ASSIST IN THE ATTAINMENT AND MAINTENANCE OF WATER QUALITY
3 STANDARDS.

4 B. THE PROVISIONS OF THIS ARTICLE, PURSUANT TO TITLE 4,
5 ENVIRONMENT ARTICLE, SUBTITLE 1, ANNOTATED CODE OF MARYLAND, ARE
6 ADOPTED UNDER THE AUTHORITY OF THE HARFORD COUNTY CODE AND, EXCEPT
7 AS EXPRESSLY PROVIDED HEREIN, SHALL APPLY TO ALL LAND-DISTURBING
8 ACTIVITIES OCCURRING WITHIN HARFORD COUNTY. THE APPLICATION OF THIS
9 ARTICLE AND THE PROVISIONS EXPRESSED HEREIN SHALL BE THE MINIMUM
10 EROSION AND SEDIMENT CONTROL REQUIREMENTS AND SHALL NOT BE DEEMED A
11 LIMITATION OR REPEAL OF ANY OTHER POWERS GRANTED BY STATE STATUTE.

12 **§ 214-3. APPLICABILITY.**

13 A. ANY PERSON DESIRING TO PERFORM LAND-DISTURBING ACTIVITIES IN
14 HARFORD COUNTY SHALL BE REQUIRED TO FOLLOW THE PROCEDURES AND
15 REQUIREMENTS OF TITLE 4, ENVIRONMENTAL ARTICLE, SUBTITLE 1, ANNOTATED
16 CODE OF MARYLAND, THE STANDARDS AND SPECIFICATIONS AND THE MARYLAND
17 STATE EROSION AND SEDIMENT CONTROL REGULATIONS, COMAR 26.17.01, AS
18 AMENDED.

19 B. ANY PERSON INVOLVED IN LAND-DISTURBING ACTIVITIES SHALL
20 INSTALL ALL EROSION AND SEDIMENT CONTROLS, STRUCTURES, VEGETATION AND
21 OTHER PROTECTIVE DEVICES AS MAY BE REQUIRED BY THE APPROVED EROSION
22 AND SEDIMENT CONTROL PLAN, THE GRADING PERMIT, THE FOREST HARVEST
23 PERMIT OR THE INSPECTOR UNLESS OTHERWISE PROVIDED FOR BY THIS ARTICLE.

24 C. ANY PERSON INVOLVED IN LAND-DISTURBING ACTIVITIES SHALL

**BILL NO. 01-33
AS AMENDED**

1 MAINTAIN IN GOOD CONDITION AND PROMPTLY REPAIR OR RESTORE ALL GRADE
2 SURFACES, WALLS, DRAINS, DAMS AND STRUCTURES, VEGETATION, EROSION AND
3 SEDIMENT CONTROL MEASURES AND OTHER PROTECTIVE DEVICES. SUCH REPAIR
4 OR RESTORATION AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THIS
5 ARTICLE UNTIL PERMANENT MEASURES ARE ACCEPTED BY THE DEPARTMENT.

6 D. VARIANCES. THE DISTRICT, IN CONCURRENCE WITH THE
7 DEPARTMENT, MAY GRANT A WRITTEN VARIANCE FROM THE REQUIREMENTS OF
8 THE STANDARDS AND SPECIFICATIONS IF STRICT ADHERENCE TO THE
9 SPECIFICATIONS WILL RESULT IN UNNECESSARY HARDSHIP AND NOT FULFILL THE
10 INTENT OF THIS ARTICLE. THE DEVELOPER SHALL SUBMIT A WRITTEN REQUEST
11 FOR A VARIANCE TO THE DEPARTMENT AND THE DISTRICT. THE REQUEST SHALL
12 STATE THE SPECIFIC VARIANCE SOUGHT AND REASONS FOR REQUESTING THE
13 VARIANCE. THE DEPARTMENT AND THE DISTRICT SHALL NOT GRANT A VARIANCE
14 UNLESS AND UNTIL THE APPLICANT PROVIDES SUFFICIENT SPECIFIC REASONS
15 JUSTIFYING THE VARIANCE.

16 **§ 214-4. GRADING PERMITS.**

17 A. NO PERSON SHALL ENGAGE IN ANY LAND-DISTURBING ACTIVITY OVER
18 5,000 SQUARE FEET OR THE MOVEMENT OF 100 OR MORE CUBIC YARDS OF EARTH IN
19 ANY 12-MONTH PERIOD WITHOUT FIRST OBTAINING A GRADING PERMIT FROM THE
20 COUNTY, EXCEPT AS PROVIDED FOR IN THIS ARTICLE.

21 B. NO PERSON SHALL ENGAGE IN ANY LAND-DISTURBING ACTIVITY OVER
22 5,000 SQUARE FEET OR THE MOVEMENT OF 100 OR MORE CUBIC YARDS OF EARTH,
23 WHEN ASSOCIATED WITH A FOREST HARVEST OPERATION, DURING ANY 12-MONTH
24 PERIOD, WITHOUT FIRST OBTAINING A FOREST HARVEST PERMIT FROM THE

**BILL NO. 01-33
AS AMENDED**

COUNTY, EXCEPT AS PROVIDED FOR IN THIS ARTICLE.

C. ALL LAND-DISTURBING ACTIVITIES MUST COMPLY WITH THE HARFORD COUNTY STORMWATER CONTROL ORDINANCE, ARTICLE II OF THIS CHAPTER.

D. NOTHING SET FORTH IN THIS ARTICLE SHALL BE CONSTRUED TO CONFLICT WITH TITLE 4, ENVIRONMENTAL ARTICLE, SUBTITLE ~~1~~ 1, ANNOTATED CODE OF MARYLAND, AS AMENDED. AS PROVIDED BY THE ANNOTATED CODE OF MARYLAND, ANY INDIVIDUAL OR GROUP OF INDIVIDUALS CAN BE HELD RESPONSIBLE FOR THE POLLUTION OF STATE WATERS, REGARDLESS OF ANY EXEMPTION CLAUSE INCLUDED IN THIS ARTICLE.

E. THE FOLLOWING DEVELOPMENT ACTIVITIES ARE EXEMPT FROM OBTAINING A GRADING PERMIT AND FOREST HARVEST PERMIT:

(1) AGRICULTURAL LAND MANAGEMENT PRACTICES AND THE CONSTRUCTION OF AGRICULTURAL PRACTICES.

(2) LAND-DISTURBING ACTIVITIES OF LESS THAN 5,000 SQUARE FEET OR INVOLVING LESS THAN 100 CUBIC YARDS OF EARTH MOVEMENT.

(3) CLEARING OR GRADING ACTIVITIES THAT ARE SUBJECT EXCLUSIVELY TO STATE APPROVAL AND ENFORCEMENT UNDER STATE LAW AND REGULATIONS.

F. COUNTY CAPITAL IMPROVEMENT PROJECTS THAT HAVE AN EROSION AND SEDIMENT CONTROL PLAN APPROVED BY THE DISTRICT ARE REQUIRED TO APPLY FOR A GRADING PERMIT; HOWEVER, THE REQUIRED FEE SHALL BE WAIVED. BONDING AND INSURANCE REQUIREMENTS AS SET FORTH BY THIS ARTICLE SHALL BE WAIVED, PROVIDED THAT THE PROJECT OR PROJECT CONTRACTOR HAS

BILL NO. 01-33
AS AMENDED

1 SUFFICIENT BOND AND OR INSURANCE AS REQUIRED BY THE COUNTY.

2 G. STATE-PERMITTED RUBBLE FILLS OR LANDFILLS SHALL APPLY FOR A
3 GRADING PERMIT; HOWEVER, A BOND SHALL NOT BE REQUIRED WHEN A BOND HAS
4 BEEN POSTED WITH THE STATE AND IS OBLIGATED TO THE COUNTY FOR SUCH
5 ACTIVITIES.

6 H. EXCEPT AS PROVIDED FOR ABOVE, EXEMPTION FROM OBTAINING A
7 GRADING PERMIT DOES NOT EXEMPT THE PROJECTS LISTED IN SUBSECTION E(1)
8 THROUGH (3) OF THIS SECTION FROM OTHER PROVISIONS OF THIS ARTICLE,
9 INCLUDING INSPECTION, EXCEPT SUCH PROJECTS COVERED UNDER SUBSECTION G,
10 WHICH ARE SUBJECT TO STATE INSPECTION AND ENFORCEMENT. HOWEVER,
11 EXEMPTION FROM OBTAINING A GRADING PERMIT ALSO EXEMPTS THE DEVELOPER
12 FROM THE BONDING AND LIABILITY INSURANCE REQUIREMENTS.

13 **§ 214-5. APPLICATION FOR A GRADING PERMIT.**

14 A. TO OBTAIN A GRADING PERMIT AN APPLICANT SHALL FIRST FILE AN
15 APPLICATION, IN WRITING, UPON FORMS FURNISHED BY THE DEPARTMENT. THE
16 APPLICATION MUST BE SIGNED BY THE OWNER OF THE PROPERTY UPON WHICH
17 THE LAND-DISTURBING ACTIVITY IS TO BE PERFORMED OR HIS AUTHORIZED
18 AGENT. IF THE OWNER IS A CORPORATION OR OTHER BUSINESS ENTITY, THE
19 APPLICATION MUST BE SIGNED BY AN EMPLOYEE OR OTHER PERSON AUTHORIZED
20 TO LEGALLY BIND THE ENTITY. THE APPLICATION SHALL BE ACCOMPANIED BY
21 THE GRADING PERMIT FEE, SCALED PLANS OR DRAWINGS AS APPLICABLE AND AN
22 APPROVED EROSION AND SEDIMENT CONTROL PLAN OR STANDARD PLAN AS
23 APPLICABLE, APPROVAL OF THE STATE DEPARTMENT OF ENVIRONMENT, WHERE
24 APPLICABLE, AND A BOND AS REQUIRED IN SECTION 214-12.

BILL NO. 01-33
AS AMENDED

1 B. A SEPARATE GRADING PERMIT SHALL BE REQUIRED FOR EACH
2 SEPARATE NONCONTIGUOUS SITE UNLESS WAIVED BY THE DIRECTOR.

3 C. NO GRADING PERMIT SHALL BE TRANSFERRED WITHOUT THE WRITTEN
4 CONSENT OF THE DEPARTMENT.

5 D. NO GRADING PERMIT SHALL BE ISSUED FOR LAND DISTURBANCE
6 WHICH IS FOR BUILDING OR DEVELOPMENT NOT PERMITTED BY EXISTING ZONING,
7 OR FOR WHICH A SPECIAL EXCEPTION OR VARIANCE HAS NOT BEEN GRANTED
8 APPLICABLE TO THE LAND.

9 E. A GRADING PERMIT SHALL EXPIRE CONCURRENTLY WITH THE
10 EROSION AND SEDIMENT CONTROL PLAN APPROVAL. FOR EROSION AND SEDIMENT
11 CONTROL PLANS WHICH REQUIRE AN UPDATE REVIEW AND RE-APPROVAL, A NEW
12 APPLICATION FOR A GRADING PERMIT SHALL BE SUBMITTED.

13 **§ 214-6. EROSION AND SEDIMENT CONTROL PLANS.**

14 A. THE APPLICANT SHALL SUBMIT AN EROSION AND SEDIMENT CONTROL
15 PLAN AND ANY SUPPORTING COMPUTATIONS TO THE DEPARTMENT AND THE
16 DISTRICT FOR REVIEW AND APPROVAL. THE EROSION AND SEDIMENT CONTROL
17 PLANS ACCOMPANYING THE APPLICATION SHALL BE PREPARED AND CERTIFIED BY
18 A PROFESSIONAL ENGINEER OR LAND SURVEYOR, INCLUDING LANDSCAPE
19 ARCHITECTS OR ARCHITECT LICENSED IN THE STATE OF MARYLAND. THE
20 STANDARDS AND SPECIFICATIONS SHALL SERVE AS THE STANDARDS FOR EROSION
21 AND SEDIMENT CONTROL IN HARFORD COUNTY FOR ACTIVITIES OTHER THAN
22 FOREST HARVEST OPERATIONS. THE APPLICANT IS RESPONSIBLE FOR SUBMITTING
23 AN EROSION AND SEDIMENT CONTROL PLAN WHICH MEETS THE REQUIREMENTS OF
24 THE DEPARTMENT AND THE DISTRICT, THIS ARTICLE, THE STANDARDS AND

BILL NO. 01-33
AS AMENDED

1 SPECIFICATIONS AND THE MARYLAND STATE EROSIONS AND SEDIMENT CONTROL
2 REGULATIONS, COMAR 26.17.01. THE EROSION AND SEDIMENT CONTROL PLANS
3 SHALL CONTAIN SUFFICIENT INFORMATION, DRAWINGS AND NOTES TO DESCRIBE
4 HOW SOIL EROSION AND OFF-SITE SEDIMENTATION WILL BE MINIMIZED. THE
5 INFORMATION PROVIDED WILL BE USED TO EVALUATE THE ENVIRONMENTAL
6 CHARACTERISTICS OF THE AFFECTED AREAS, THE POTENTIAL FOR IMPACTS OF THE
7 PROPOSED GRADING ON WATER RESOURCES AND THE EFFECTIVENESS AND
8 ACCEPTABILITY OF MEASURES PROPOSED TO MINIMIZE SOIL EROSION AND OFF-
9 SITE SEDIMENTATION. THE APPLICANT SHALL CERTIFY ON THE DRAWINGS THAT
10 ALL CLEARING, GRADING, DRAINAGE, CONSTRUCTION AND DEVELOPMENT SHALL
11 BE CONDUCTED IN STRICT ACCORDANCE WITH THE EROSION AND SEDIMENT
12 CONTROL PLAN. THE MINIMUM INFORMATION SUBMITTED FOR SUPPORT OF AN
13 EROSION AND SEDIMENT CONTROL PLAN SHALL BE AS SPECIFIED IN THE RULES
14 AND REGULATIONS OR IN COMAR 26.17.01(WHICHEVER IS MORE RESTRICTIVE).

15 B. APPROVED EROSION AND SEDIMENT CONTROL PLANS SHALL REMAIN
16 VALID FOR TWO YEARS FROM THE DATE OF APPROVAL. FOR SITES WHERE WORK
17 HAS NOT BEEN COMPLETED WITHIN THIS TIMEFRAME, THE EROSION AND
18 SEDIMENT CONTROL PLAN SHALL BE SUBJECT TO AN UPDATE REVIEW AND RE-
19 APPROVAL.

20 C. A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN
21 SHALL BE AVAILABLE ON SITE.

22 D. PRIOR TO THE ISSUANCE OF A GRADING PERMIT, A COPY OF THE
23 EROSION AND SEDIMENT CONTROL PLAN SHALL BE SUBMITTED TO THE DISTRICT
24 IN CONCURRENCE WITH THE DEPARTMENT FOR REVIEW AND APPROVAL OF THE

BILL NO. 01-33
AS AMENDED

1 PROPOSED EROSION AND SEDIMENT CONTROL MEASURES AND SHALL BE
2 SUBMITTED TO APPLICABLE STATE AGENCIES. THE DISTRICT SHALL, WITHIN 30
3 DAYS, NOTIFY THE DEPARTMENT OF ITS RECOMMENDATIONS AND/OR APPROVAL
4 SO THAT THE APPLICANT MAY BE NOTIFIED IN A TIMELY MANNER.

5 E. IF A GRADING PERMIT HAS NOT BEEN ISSUED WITHIN ONE YEAR OF
6 APPROVAL OF THE EROSION AND SEDIMENT CONTROL PLANS, THE EROSION AND
7 SEDIMENT CONTROL PLANS SHALL BE SUBJECT TO AN UPDATED REVIEW BY THE
8 DISTRICT IN CONCURRENCE WITH THE DEPARTMENT.

9 **§ 214-7. FOREST HARVEST PERMIT APPLICATION.**

10 A. TO OBTAIN A FOREST HARVEST PERMIT FOR MOVEMENT OF MORE
11 THAN 100 CUBIC YARDS OF EARTH OR TO DISTURB MORE THAN 5,000 SQUARE FEET
12 IN CONJUNCTION WITH A FOREST HARVEST OPERATION, AN APPLICANT SHALL
13 FIRST COMPLETE AN APPLICATION, IN WRITING, UPON FORMS FURNISHED BY THE
14 DEPARTMENT. THE APPLICATION MUST BE SIGNED BY THE OWNER OF THE
15 PROPERTY UPON WHICH THE LAND-DISTURBING ACTIVITY AND FOREST HARVEST
16 OPERATION IS TO BE PERFORMED OR BY HIS AUTHORIZED AGENT. IF THE OWNER IS
17 A CORPORATION OR OTHER BUSINESS ENTITY, THE APPLICATION MUST BE SIGNED
18 BY AN EMPLOYEE OR OTHER PERSON AUTHORIZED TO LEGALLY BIND THE ENTITY.
19 THE APPLICATION SHALL BE ACCOMPANIED BY THE PERMIT FEE AND PLANS AS
20 REQUIRED BY THE STANDARD PLAN OR THE NATURAL RESOURCES DISTRICT LAW.

21 B. ALL LAND-DISTURBING ACTIVITIES MUST COMPLY WITH HARFORD
22 COUNTY STORMWATER CONTROL ORDINANCE, ARTICLE II OF THIS CHAPTER.

23 C. SOIL EROSION AND SEDIMENT CONTROL GUIDELINES FOR FOREST
24 HARVEST OPERATIONS IN MARYLAND SHALL SERVE AS THE OFFICIAL STANDARD

**BILL NO. 01-33
AS AMENDED**

FOR EROSION AND SEDIMENT CONTROL INVOLVING FOREST HARVEST OPERATIONS
IN HARFORD COUNTY.

D. A STANDARD EROSION AND SEDIMENT CONTROL PLAN FOR FOREST
HARVEST OPERATIONS SHALL ACCOMPANY THE PERMIT APPLICATION IF THE
FOLLOWING CONDITIONS CAN BE MET:

(1) ROAD CUTS OR FILLS ARE LESS THAN 3 FEET.

(2) GRADES FOR HAUL ROADS AND SKID TRAIN ARE LESS THAN 15%.

(3) LANDINGS ARE LOCATED ON SLOPES LESS THAN 10%.

E. WHEN THE CONDITIONS OF SECTION 214-7D OF THIS ARTICLE CANNOT
BE MET, THEN A PLAN PREPARED BY A REGISTERED PROFESSIONAL FORESTER AND
APPROVED BY THE DEPARTMENT AND THE DISTRICT SHALL ACCOMPANY THIS
APPLICATION. THE MINIMUM INFORMATION SUBMITTED FOR SUPPORT OF AN
EROSION AND SEDIMENT CONTROL PLAN SHALL BE AS SPECIFIED IN THE RULES
AND REGULATIONS OR IN COMAR 26.17.01 (WHICHEVER IS MORE RESTRICTIVE).

F. A SEPARATE FOREST HARVEST PERMIT SHALL BE REQUIRED FOR EACH
SEPARATE FOREST HARVEST OPERATION DISTURBING AN AREA OF MORE THAN
5,000 SQUARE FEET OF EARTH OR THE MOVING OF MORE THAN 100 CUBIC YARDS OF
EARTH.

G. NO PERMIT SHALL BE TRANSFERRED WITHOUT THE APPROVAL OF THE
DEPARTMENT.

H. IT SHALL BE A CONDITION OF EVERY FOREST HARVEST PERMIT THAT
THE DEPARTMENT HAS THE RIGHT TO ENTER PROPERTY PERIODICALLY TO INSPECT
FOR COMPLIANCE WITH THIS ARTICLE.

I. A FOREST HARVEST PERMIT SHALL EXPIRE 12 MONTHS FROM THE

**BILL NO. 01-33
AS AMENDED**

1 DATE OF ISSUANCE.

2 **§ 214-8. MODIFICATION OF EROSION AND SEDIMENT CONTROL PLANS.**

3 A. MAJOR MODIFICATIONS OF THE APPROVED EROSION AND SEDIMENT
4 CONTROL PLANS SHALL BE SUBMITTED TO THE DEPARTMENT AND REPROCESSED
5 IN THE SAME MANNER AS THE ORIGINAL EROSION AND SEDIMENT CONTROL PLAN
6 WHERE:

7 (1) INSPECTION HAS SHOWN THAT THE IMPLEMENTATION OF THE
8 APPROVED EROSION AND SEDIMENT CONTROL PLAN FAILS TO ACCOMPLISH THE
9 INTENT OF THIS ARTICLE.

10 (2) THE PERSON RESPONSIBLE FOR CARRYING OUT THE APPROVED
11 EROSION AND SEDIMENT CONTROL PLAN FINDS THAT, BECAUSE OF CHANGED
12 CIRCUMSTANCES OR FOR OTHER REASONS, THE APPROVED EROSION AND
13 SEDIMENT CONTROL PLAN CANNOT BE EFFECTIVELY CARRIED OUT AND PROPOSES
14 REVISIONS TO THE EROSION AND SEDIMENT CONTROL PLAN THAT ARE
15 CONSISTENT WITH THE REQUIREMENTS OF THIS ARTICLE AND RULES AND
16 REGULATIONS PROMULGATED PURSUANT THERETO, AND THE DISTRICT AND
17 DEPARTMENT APPROVE THE PROPOSED REVISIONS.

18 (3) THE DEPARTMENT MAY, IN EMERGENCY SITUATIONS AND AT ITS
19 DISCRETION, ORDER REPAIRS OR MODIFICATIONS, IN ORDER TO PROTECT STREAM
20 CHANNELS, OTHER PROPERTIES OR THE GENERAL PUBLIC FROM DAMAGE, TO
21 REMAIN IN EFFECT UNTIL SUCH MODIFICATIONS OR REVISIONS TO THE EROSION
22 AND SEDIMENT CONTROL PLAN SHALL HAVE BEEN APPROVED AND IMPLEMENTED.
23 APPROVAL BY THE APPROPRIATE STATE AGENCY MAY BE REQUIRED FOR WORK
24 IN THE 100-YEAR FLOODPLAIN.

BILL NO. 01-33
AS AMENDED

1 B. THE INSPECTOR MAY APPROVE MINOR MODIFICATIONS TO THE
2 APPROVED EROSION AND SEDIMENT CONTROL PLANS IN THE FIELD IF
3 DOCUMENTED ON A FIELD INSPECTION REPORT. THE DISTRICT SHALL, IN
4 CONJUNCTION WITH DEPARTMENT, DEVELOP A LIST OF ALLOWABLE FIELD
5 MODIFICATIONS FOR USE BY THE INSPECTOR. THIS LIST SHALL BE LISTED IN THE
6 RULES AND REGULATIONS.

7 **§ 214-9. FEES.**

8 FEES FOR TECHNICAL AND ENGINEERING REVIEW, INSPECTION AND
9 ENFORCEMENT ACTIVITIES SHALL BE AS ESTABLISHED BY LAW.

10 **§ 214-10. CONDITIONS FOR ISSUANCE OF GRADING PERMIT.**

11 A. IN GRANTING ANY GRADING PERMIT, THE DIRECTOR MAY ATTACH
12 SUCH CONDITIONS THERETO AS MAY BE REASONABLY NECESSARY TO PREVENT
13 SEDIMENTATION OR POLLUTION TO PUBLIC OR PRIVATE PROPERTY OR ANY SEWER,
14 STORM DRAIN OR WATERCOURSE, TO PREVENT THE OPERATION FROM BEING
15 CONDUCTED IN A MANNER HAZARDOUS TO LIFE OR PROPERTY OR IN A MANNER
16 LIKELY TO CREATE A NUISANCE OR SOURCE OF POLLUTION. SUCH CONDITIONS
17 AND A SPECIFIED METHOD OF PERFORMING THE WORK SHALL BE IDENTIFIED ON
18 THE EROSION AND SEDIMENT CONTROL PLAN SUBMITTED FOR APPROVAL. NO
19 GRADING PERMIT SHALL BE ISSUED UNTIL AN EROSION AND SEDIMENT CONTROL
20 PLAN IS APPROVED BY THE DISTRICT AND THE OWNER CERTIFIES THAT ALL LAND-
21 DISTURBING ACTIVITIES SHALL BE PERFORMED PURSUANT TO THE EROSION AND
22 SEDIMENT CONTROL PLAN AND MODIFICATIONS INCORPORATED PURSUANT TO
23 SECTION 214-8 HEREIN. THE APPROVED EROSION AND SEDIMENT CONTROL PLAN
24 SHALL BE A CONDITION OF AND PART OF THE GRADING PERMIT. NO PERSON SHALL

**BILL NO. 01-33
AS AMENDED**

1 VIOLATE ANY SUCH CONDITIONS SO IMPOSED.

2 B. IT SHALL BE A CONDITION OF EVERY GRADING GRADING PERMIT THAT
3 THE DEPARTMENT HAS THE RIGHT TO ENTER PROPERTY PERIODICALLY TO INSPECT
4 FOR COMPLIANCE WITH THIS ARTICLE.

5 C. IF A FOREST CONSERVATION PLAN IS REQUIRED BY CHAPTER 267,
6 ARTICLE VA OF THIS CODE, THE DIRECTOR MAY NOT ISSUE A GRADING PERMIT
7 UNTIL A PRELIMINARY FOREST CONSERVATION PLAN HAS BEEN APPROVED BY THE
8 DEPARTMENT OF PLANNING AND ZONING.

9 **§ 214-11. ENFORCEMENT; SUSPENSION OR REVOCATION OF PERMIT.**

10 A. ENFORCEMENT PROCEDURES.

11 (1) WHEN THE DEPARTMENT OR ITS INSPECTOR DETERMINES THAT
12 A VIOLATION OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN, THE
13 PERMIT OR THE PROVISIONS OF THIS ARTICLE HAS OCCURRED, THE INSPECTOR
14 SHALL NOTIFY THE ON-SITE PERSONNEL OR THE PERMITTEE, IN WRITING, OF THE
15 VIOLATION AND DESCRIBE THE REQUIRED CORRECTIVE ACTION AND THE TIME
16 PERIOD IN WHICH TO HAVE THE VIOLATION CORRECTED.

17 (2) IF THE VIOLATION PERSISTS AFTER THE TIME SPECIFIED FOR
18 CORRECTIVE ACTION IN THE NOTICE OF VIOLATION, THE DEPARTMENT MAY:

19 (A) STOP WORK ON THE SITE BY ISSUING A STOP-WORK
20 ORDER;

21 (B) IMPOSE A FINE UNDER SECTION 214-23 OF THIS ARTICLE;
22 OR

23 (C) STOP WORK ON THE SITE BY ISSUING A STOP-WORK ORDER
24 AND IMPOSE A FINE UNDER SECTION 214-23 OF THIS ARTICLE.

**BILL NO. 01-33
AS AMENDED**

1 (3) WHEN A STOP-WORK ORDER IS ISSUED, THE DEPARTMENT SHALL
2 DETERMINE THE EXTENT TO WHICH WORK IS STOPPED AND MAY STOP ALL WORK
3 ON THE SITE EXCEPT THAT NECESSARY TO CORRECT THE VIOLATION.

4 (4) IF REASONABLE EFFORTS TO CORRECT THE VIOLATION ARE NOT
5 UNDERTAKEN BY THE PERMIT HOLDER, THE DEPARTMENT MAY REFER THE
6 VIOLATION FOR LEGAL ACTION.

7 (5) THE DEPARTMENT MAY REFUSE TO ISSUE ANY PERMIT TO AN
8 APPLICANT WHEN IT DETERMINES THAT THE APPLICANT IS NOT IN COMPLIANCE
9 WITH ANY PROVISIONS OF THE GRADING PERMIT OR APPROVED EROSION AND
10 SEDIMENT CONTROL PLAN ON ANY SITE.

11 (6) ANY STEP IN THE ENFORCEMENT PROCESS MAY BE TAKEN AT
12 ANY TIME, DEPENDING UPON THE SEVERITY OF THE VIOLATION.

13 (7) IF A PERSON IS WORKING WITHOUT A PERMIT, THE DEPARTMENT
14 SHALL STOP WORK ON THE SITE, EXCEPT THAT ACTIVITY NECESSARY TO PROVIDE
15 EROSION AND SEDIMENT CONTROL.

16 B. ANY PERMIT ISSUED UNDER THIS ARTICLE MAY BE REVOKED OR
17 SUSPENDED BY THE DIRECTOR, AFTER REASONABLE NOTICE, FOR:

18 (1) VIOLATION OF THE EROSION AND SEDIMENT CONTROL PLAN OR
19 OF ANY OTHER CONDITION OF THE PERMIT.

20 (2) VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY OTHER
21 APPLICABLE LAW, ORDINANCE, RULE OR REGULATION RELATING TO THE WORK.

22 (3) EXISTENCE OF ANY CONDITION OR THE DOING OF ANY ACT
23 CONSTITUTING OR CREATING A NUISANCE, HAZARD OR ENDANGERING HUMAN
24 LIFE OR THE PROPERTY OF OTHERS.

**BILL NO. 01-33
AS AMENDED**

1 (4) NONCOMPLIANCE WITH VIOLATION NOTICE(S) OR STOP-WORK
2 ORDER(S) ISSUED.

3 C. AFTER A STOP-WORK ORDER HAS BEEN ISSUED, THE DIRECTOR SHALL
4 PROVIDE WRITTEN NOTICE WITHIN 7 WORKING DAYS TO THE PERMIT HOLDER BY
5 CERTIFIED MAIL. THE NOTICE SHALL INCLUDE THE NATURE OF THE CORRECTIVE
6 MEASURES REQUIRED AND THE TIME WITHIN WHICH CORRECTIONS SHALL BE
7 MADE.

8 D. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE AND IF
9 CONDITIONS WARRANT, NO NOTICE OF VIOLATION IS NECESSARY, AND THE
10 DEPARTMENT MAY PROCEED DIRECTLY WITH A STOP-WORK ORDER OR WITH AN
11 ALTERNATIVE ENFORCEMENT PROCEDURE AS SET FORTH IN SECTION 214-22 OR
12 SECTION 214-23.1.

13 **§ 214-12. PERFORMANCE BOND.**

14 A. THE DIRECTOR SHALL, BEFORE ISSUING A GRADING PERMIT, REQUIRE
15 A CASH OR CORPORATE BOND OR OTHER APPROVED SECURITY IN THE FORM AND
16 MANNER ACCEPTABLE TO THE COUNTY, CONDITIONED UPON THE FAITHFUL
17 PERFORMANCE OF THE CONDITIONS IN THE GRADING PERMIT AND EROSION AND
18 SEDIMENT CONTROL MEASURES SPECIFIED IN THE GRADING PERMIT WITHIN THE
19 TIME SPECIFIED BY THE DIRECTOR. COLLATERAL REQUIRED BY THIS SECTION
20 SHALL BE \$300, PLUS \$0.03 PER SQUARE FOOT OF THE AREA INCLUDED IN THE
21 LAND-DISTURBING ACTIVITY, PLUS SUCH AMOUNTS AS DEEMED NECESSARY BY
22 THE DIRECTOR TO SECURE THE COST OF IMPROVEMENTS REQUIRED IN APPROVED
23 EROSION AND SEDIMENT CONTROL PLANS. A CORPORATE BOND SHALL BE
24 MAINTAINED AND RENEWED ANNUALLY AND SHALL BE EXECUTED BY A SURETY

BILL NO. 01-33
AS AMENDED

1 OR GUARANTY COMPANY QUALIFIED TO TRANSACT BUSINESS IN THE STATE OF
2 MARYLAND. A CASH BOND SHALL BE DEPOSITED WITH THE TREASURER OF
3 HARFORD COUNTY, WHO SHALL GIVE THEIR RECEIPT THEREFOR, RECITING THAT
4 THE CASH HAS BEEN DEPOSITED IN COMPLIANCE WITH AND SUBJECT TO THE
5 PROVISIONS OF THIS SECTION. THE BOND OR APPROVED SECURITY SHALL
6 OBLIGATE THE PRINCIPAL AND THEIR EXECUTORS, ADMINISTRATORS, SUCCESSORS
7 AND ASSIGNS, JOINTLY AND SEVERALLY, WITH THE SURETY AND SHALL INURE TO
8 THE BENEFIT OF THE COUNTY, ITS OFFICERS, EMPLOYEES AND TO ANY PERSON
9 AGGRIEVED BY THE PRINCIPAL'S FAILURE TO COMPLY WITH THE CONDITIONS
10 THEREOF. THE PRINCIPAL AND THE SURETY SHALL, UNDER THE BOND OR
11 APPROVED SECURITY, CONTINUE TO BE FIRMLY BOUND UNDER A CONTINUING
12 OBLIGATION FOR THE PAYMENT OF ALL NECESSARY COSTS AND EXPENSES OR
13 LIABILITIES WHICH MAY BE INCURRED OR EXPENDED BY THE DEPARTMENT TO
14 MEET THE MINIMUM REQUIREMENTS OF THIS ARTICLE.

15 B. SHOULD THE DEPARTMENT FIND THAT A DEFAULT HAS OCCURRED IN
16 THE PERFORMANCE OF ANY TERM OR CONDITION OF THE GRADING PERMIT OR
17 BOND OR OTHER APPROVED SECURITY, WRITTEN NOTICE THEREOF SHALL BE
18 GIVEN TO THE PRINCIPAL AND TO THE SURETY OF THE SECURITY. SUCH NOTICE
19 SHALL STATE THE WORK TO BE DONE, THE ESTIMATED COST THEREOF AND THE
20 PERIOD OF TIME DEEMED BY THE DEPARTMENT TO BE REASONABLY NECESSARY
21 FOR THE COMPLETION OF SUCH WORK.

22 C. IF A CASH BOND HAS BEEN POSTED, NOTICE OF DEFAULT AS PROVIDED
23 BY THE PRECEDING SUBSECTIONS SHALL BE GIVEN TO THE PRINCIPAL, AND IF
24 COMPLIANCE IS NOT ACHIEVED WITHIN THE TIME SPECIFIED, THE DEPARTMENT

**BILL NO. 01-33
AS AMENDED**

1 SHALL PROCEED, WITHOUT DELAY AND WITHOUT FURTHER NOTICE OR
2 PROCEEDINGS WHATSOEVER, TO USE THE CASH DEPOSITED OR ANY PORTION OF
3 SUCH DEPOSIT TO CAUSE THE REQUIRED WORK TO BE DONE BY CONTRACT OR
4 OTHERWISE, IN THE DISCRETION OF THE DIRECTOR.

5 D. IN THE EVENT OF ANY DEFAULT IN THE PERFORMANCE OF ANY TERM
6 OR CONDITION OF THE GRADING PERMIT, BOND OR OTHER APPROVED SECURITY,
7 THE COUNTY, THE SURETY OR ANY PERSON EMPLOYED OR ENGAGED ON THEIR
8 BEHALF SHALL HAVE THE RIGHT TO GO UPON THE SITE TO COMPLETE THE
9 REQUIRED WORK NECESSARY TO CONTROL EROSION AND SEDIMENTATION OR
10 MAKE IT SAFE. IN THE EVENT THAT THE DEPARTMENT UNDERTAKES THE
11 REQUIRED WORK OR MAKES THE SITE SAFE WITH THE FUNDS FROM THE FORFEITED
12 CASH OR CORPORATE SECURITY, SUCH FUNDS SHALL BE USED TO PAY THE COST
13 OF CONTRACTING, INCLUDING ENGINEERING AND ADMINISTRATION, FOR
14 NECESSARY RESTORATION OF THE SITE TO CONTROL EROSION AND
15 SEDIMENTATION WITHIN THE REQUIREMENTS OF THE EROSION AND SEDIMENT
16 CONTROL PLAN, GRADING PERMIT, BOND, SECURITY OR THIS ARTICLE. IF THE
17 COST OF THE WORK NECESSARY TO CONTROL EROSION AND SEDIMENTATION OR
18 MAKE IT SAFE EXCEEDS THE AMOUNT OF SECURITY POSTED, THE GRADING PERMIT
19 HOLDER SHALL CONTINUE TO BE FIRMLY BOUND UNDER A CONTINUING
20 OBLIGATION FOR PAYMENT OF ALL EXCESS COSTS AND EXPENSES INCURRED BY
21 THE COUNTY. THE COST AND EXPENSES SHALL BE A LIEN UPON ALL PROPERTY
22 AND ALL RIGHTS TO PROPERTY, REAL OR PERSONAL, OF ANY PERSON LIABLE TO
23 PAY THE SAME FROM AND AFTER THE TIME SAID COST IS DUE AND PAYABLE. THE
24 COST SHALL BE LISTED ON THE TAX BILL AND SHALL BE COLLECTED IN THE

BILL NO. 01-33
AS AMENDED

1 MANNER OF ORDINARY TAXES.

2 E. NO PERSON SHALL INTERFERE WITH OR OBSTRUCT THE INGRESS OR
3 EGRESS TO OR FROM ANY SUCH SITE OR PREMISES BY AN AUTHORIZED
4 REPRESENTATIVE OR AGENT OF ANY SURETY OR OF THE DEPARTMENT ENGAGED
5 IN COMPLETING THE WORK REQUIRED TO BE PERFORMED UNDER THE GRADING
6 PERMIT OR IN COMPLYING WITH THE TERMS OR CONDITIONS THEREOF.

7 F. THE SECURITY POSTED SHALL REMAIN IN FULL FORCE AND EFFECT
8 UNTIL A COMPLETION CERTIFICATE IS ISSUED PURSUANT TO SECTION 214-15K. A
9 CASH BOND SHALL BE RETURNED TO THE DEPOSITOR OR TO THEIR SUCCESSORS OR
10 ASSIGNS UPON ISSUANCE OF A COMPLETION CERTIFICATE FOR THE WORK IN
11 ACCORDANCE WITH SECTION 214-15K, EXCEPT ANY PORTION THEREOF THAT MAY
12 HAVE BEEN USED. FAILURE TO MAINTAIN THE ABOVE-REQUIRED SURETY SHALL
13 AUTOMATICALLY OPERATE AS A TEMPORARY REVOCATION OF ANY AND ALL
14 GRADING PERMITS ISSUED BY HARFORD COUNTY TO THE GRADING PERMIT
15 HOLDER AND THEIR SUCCESSORS AND ASSIGNS IN INTEREST.

16 **§ 214-13. LIABILITY INSURANCE.**

17 IF, IN THE OPINION OF THE DIRECTOR, THE NATURE OF THE WORK IS SUCH
18 THAT IT MAY CREATE A HAZARD TO HUMAN LIFE OR ENDANGER ADJOINING
19 PROPERTY OR PROPERTY AT A HIGHER OR LOWER ELEVATION OR ANY STREET OR
20 STREET IMPROVEMENT OR ANY OTHER PUBLIC PROPERTY, THEN THE DIRECTOR
21 MAY, BEFORE ISSUING THE GRADING PERMIT, REQUIRE THAT THE APPLICANT FOR
22 A GRADING PERMIT FILE A CERTIFICATE OF INSURANCE SHOWING THAT THE
23 APPLICANT IS INSURED AGAINST CLAIMS FOR DAMAGES FOR PERSONAL INJURY
24 AND PROPERTY DAMAGE IN AN AMOUNT NOT LESS THAN \$25,000, INCLUDING

**BILL NO. 01-33
AS AMENDED**

1 DAMAGE TO THE COUNTY BY DEPOSIT OR WASHING OF MATERIAL ONTO COUNTY
2 STREETS OR OTHER PUBLIC IMPROVEMENTS, WHICH MAY ARISE FROM OR OUT OF
3 THE PERFORMANCE OF THE WORK, WHETHER SUCH PERFORMANCE BE BY THE
4 APPLICANT, THEIR SUBCONTRACTOR OR ANY PERSON DIRECTLY OR INDIRECTLY
5 EMPLOYED BY THE APPLICANT, AND THE AMOUNT OF SUCH INSURANCE SHALL BE
6 PRESCRIBED BY THE DIRECTOR IN ACCORDANCE WITH THE NATURE OF THE RISKS
7 INVOLVED. SUCH INSURANCE SHALL BE WRITTEN BY A COMPANY LICENSED TO DO
8 BUSINESS IN THE STATE AND APPROVED BY THE COUNTY. NEITHER ISSUANCE OF A
9 GRADING PERMIT NOR COMPLIANCE WITH THE PROVISIONS HERETO OR ANY
10 CONDITION IMPOSED BY THE DEPARTMENT SHALL RELIEVE ANY PERSON FROM
11 ANY RESPONSIBILITY FOR DAMAGE TO PERSONS OR PROPERTY OTHERWISE
12 IMPOSED BY LAW NOR IMPOSE ANY LIABILITY UPON THE COUNTY FOR DAMAGE TO
13 PERSONS OR PROPERTY. FAILURE TO MAINTAIN THE REQUIRED LIABILITY
14 INSURANCE SHALL AUTOMATICALLY OPERATE AS A TEMPORARY REVOCATION OF
15 ANY AND ALL GRADING PERMITS ISSUED BY HARFORD COUNTY TO THE GRADING
16 PERMIT HOLDER OR THEIR PREDECESSORS OR SUCCESSORS AND ASSIGNS IN
17 INTEREST.

18 **§ 214-14. MAINTENANCE BOND.**

19 THE DIRECTOR MAY, WHERE DEEMED NECESSARY TO PROTECT THE
20 PROPERTY OR HEALTH, SAFETY OR GENERAL WELFARE OF OTHER PERSONS OR THE
21 PUBLIC IN GENERAL, REQUIRE THE GRADING PERMIT HOLDER TO POST A
22 MAINTENANCE BOND OR OTHER APPROVED SECURITY IN THE FORM AND MANNER
23 ACCEPTABLE TO THE COUNTY, FOR A PERIOD OF 12 MONTHS FOLLOWING THE
24 COMPLETION OF THE LAND-DISTURBING ACTIVITIES FOR WHICH THE GRADING

**BILL NO. 01-33
AS AMENDED**

1 PERMIT WAS ISSUED. THE SECURITY SHALL COVER LATENT DEFECTS IN LABOR
2 AND/OR MATERIAL REQUIRED TO MAINTAIN ALL GRADE SURFACES, WALLS,
3 DRAINS, DAMS, STRUCTURES, SLOPES, VEGETATION AND SEDIMENT CONTROL
4 MEASURES AND OTHER PROTECTIVE DEVICES AND DAMAGES RESULTING FROM
5 CONSTRUCTION EQUIPMENT AND VEHICLES DOING WORK IN THAT PORTION OF THE
6 AREA COVERED BY THE TERMS OF THE GRADING PERMIT. THE AMOUNT OF THE
7 SECURITY SHALL BE EQUAL TO OR GREATER THAN 10% OF THE CONSTRUCTION
8 COST, AS DETERMINED BY THE DIRECTOR.

9 **§ 214-15. INSPECTIONS; REPORTS.**

10 A. THE DEPARTMENT OF PUBLIC WORKS SHALL HAVE FULL SEDIMENT
11 CONTROL ENFORCEMENT RESPONSIBILITY ON ALL SITES, INCLUSIVE OF SUCH
12 ITEMS AS MINOR PLAN CHANGES, VIOLATION NOTICES, STOP-WORK ORDERS AND
13 OTHER ENFORCEMENT PROCEDURES.

14 B. NO LAND-DISTURBING ACTIVITY SHALL PROCEED UNTIL AFTER A
15 PRECONSTRUCTION MEETING HAS BEEN HELD BY THE DEPARTMENT. ALL WORK
16 SHALL BE PERFORMED IN ACCORDANCE WITH A SCHEDULE SHOWN ON THE
17 APPROVED EROSION AND SEDIMENT CONTROL PLAN OR A REVISED SCHEDULE
18 APPROVED BY THE DEPARTMENT AND THE DISTRICT.

19 C. THE PERMITTEE SHALL MAINTAIN A COPY OF THE APPROVED EROSION
20 AND SEDIMENT CONTROL PLAN ON SITE.

21 D. AFTER THE COMMENCEMENT OF INITIAL LAND-DISTURBING ACTIVITY,
22 THE DEPARTMENT SHALL INSPECT AT THE FOLLOWING STAGES:

23 (1) UPON COMPLETION OF STRIPPING, CLEARING AND THE
24 STOCKPILING OF MATERIAL.

**BILL NO. 01-33
AS AMENDED**

1 (2) DURING ROUGH GRADING, INCLUDING HAULING OF IMPORTED
2 OR WASTED MATERIALS.

3 (3) UPON COMPLETION OF ROUGH GRADING BUT PRIOR TO PLACING
4 TOPSOIL, PERMANENT DRAINAGE SYSTEMS, GROUND COVERS OR OTHER
5 PERMANENT SITE DEVELOPMENT IMPROVEMENTS IDENTIFIED ON THE APPROVED
6 EROSION AND SEDIMENT CONTROL PLAN.

7 (4) UPON COMPLETION OF FINAL GRADING, INCLUDING
8 ESTABLISHED GROUND COVERS AND PLANTING, AND INSTALLATION OF ALL
9 VEGETATIVE MEASURES AND ALL OTHER WORK IN ACCORDANCE WITH THE
10 APPROVED EROSION AND SEDIMENT CONTROL PLAN.

11 (5) ON ALL SITES WITH DISTURBED AREAS IN EXCESS OF TWO
12 ACRES, THE PERMITTEE SHALL REQUEST THAT THE DEPARTMENT INSPECT WORK
13 COMPLETED AT THE STAGES OF CONSTRUCTION SPECIFIED BELOW TO ENSURE
14 ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL PLAN, THE
15 GRADING PERMIT AND THE PROVISIONS OF THIS ARTICLE:

16 (A) UPON COMPLETION OF INSTALLATION OF PERIMETER
17 EROSION AND SEDIMENT CONTROLS, PRIOR TO PROCEEDING WITH ANY OTHER
18 EARTH DISTURBANCE OR GRADING. OTHER BUILDING OR GRADING INSPECTION
19 APPROVALS MAY NOT BE AUTHORIZED UNTIL INITIAL APPROVAL BY THE
20 INSPECTION AGENCY IS MADE.

21 (B) UPON FINAL STABILIZATION BEFORE THE REMOVAL OF
22 SEDIMENT CONTROLS.

23 (6) EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, EVERY
24 ACTIVE SITE WITH AN APPROVED EROSION AND SEDIMENT CONTROL PLAN SHALL

**BILL NO. 01-33
AS AMENDED**

1 BE INSPECTED FOR COMPLIANCE WITH THE EROSION AND SEDIMENT CONTROL
2 PLAN ON THE AVERAGE ONCE EVERY TWO WEEKS.

3 E. THE APPLICANT, AFTER RECEIVING NOTIFICATION OF GRADING
4 PERMIT APPROVAL, SHALL SCHEDULE A PRECONSTRUCTION MEETING WITH THE
5 DEPARTMENT. UPON COMPLETION OF THE PRECONSTRUCTION MEETING, IF NO
6 PROBLEMS ARE REVEALED, THE GRADING PERMIT WILL BE ISSUED, AND WORK
7 WITHIN THE SCOPE OF THE GRADING PERMIT MAY START. THE APPLICANT SHALL
8 NOTIFY THE DEPARTMENT NOT LESS THAN 48 HOURS PRIOR TO THE START OF SUCH
9 WORK.

10 F. THE DEPARTMENT MAY REQUIRE ADDITIONAL INSPECTIONS AS IT
11 DEEMS APPROPRIATE AND SHALL HAVE THE RIGHT TO WAIVE INSPECTIONS,
12 EXCEPT FOR THE FINAL INSPECTION AS PROVIDED IN PARAGRAPH K OF THIS
13 SECTION.

14 G. INSPECTORS SHALL PREPARE WRITTEN REPORTS AFTER EVERY
15 INSPECTION. THE INSPECTION REPORT SHALL DESCRIBE:

16 (1) THE DATE AND LOCATION OF THE SITE INSPECTION.

17 (2) WHETHER OR NOT THE APPROVED EROSION AND SEDIMENT
18 CONTROL PLAN HAS BEEN PROPERLY IMPLEMENTED AND MAINTAINED.

19 (3) ANY PRACTICE DEFICIENCIES OR EROSION AND SEDIMENT
20 CONTROL PLAN DEFICIENCIES.

21 (4) IF A VIOLATION EXISTS, THE TYPE OF ENFORCEMENT ACTION
22 TAKEN.

23 H. THE DEPARTMENT SHALL NOTIFY THE ON-SITE PERSONNEL OR THE
24 OWNER/DEVELOPER, IN WRITING, WHEN VIOLATIONS ARE OBSERVED, DESCRIBING:

1 (1) THE NATURE OF THE VIOLATION.

2 (2) THE REQUIRED CORRECTIVE ACTION.

3 (3) THE TIME PERIOD IN WHICH TO HAVE THE VIOLATION
4 CORRECTED.

5 I. THE DEPARTMENT SHALL MAINTAIN A PERMANENT FILE OF
6 INSPECTIONS AND ENFORCEMENT ACTIONS.

7 J. WHEN EROSION AND SEDIMENT CONTROL PLANS FOR LAND-
8 DISTURBING ACTIVITIES INCLUDE THE USE OF WATER-RETENTION STRUCTURES
9 SUCH AS PONDS, CATCH BASINS AND RELATED FACILITIES AND WHEN SUCH
10 EROSION AND SEDIMENT CONTROL PLANS SHOW, BY AFFIDAVIT, THAT THEY HAVE
11 BEEN PREPARED BY A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR
12 AND THAT SAID LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR WILL
13 SUPERVISE THE CONSTRUCTION OF SUCH FACILITIES IN ACCORDANCE WITH THE
14 PROVISIONS OF SUCH EROSION AND SEDIMENT CONTROL PLANS AND
15 REGULATIONS ADOPTED IN ACCORDANCE WITH THIS ARTICLE, THE DIRECTOR MAY
16 WAIVE THE INSPECTIONS REQUIRED BY THIS SECTION. BEFORE THE START OF
17 MASS GRADING ACTIVITIES FOR THE SITE, SAID LICENSED PROFESSIONAL
18 ENGINEER OR LAND SURVEYOR SHALL CERTIFY TO THE DEPARTMENT THAT THE
19 FACILITIES INCLUDED ON THE APPROVED EROSION AND SEDIMENT CONTROL PLAN
20 HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH SAID EROSION AND SEDIMENT
21 CONTROL PLAN OR MODIFICATIONS MADE THERETO AND APPROVED BY THE
22 DEPARTMENT AND THE DISTRICT.

23 K. IMMEDIATELY UPON COMPLETION OF THE PROJECT, THE GRADING
24 PERMIT HOLDER SHALL NOTIFY THE DEPARTMENT. THE DEPARTMENT SHALL

**BILL NO. 01-33
AS AMENDED**

1 MAKE A FINAL INSPECTION AND SHALL PREPARE A FINAL INSPECTION REPORT, A
2 COPY OF WHICH SHALL BE SUBMITTED TO THE DISTRICT. IF, UPON FINAL
3 INSPECTION OF ANY WORK, IT IS FOUND BY THE DEPARTMENT THAT THE WORK
4 SUBJECT TO INSPECTION HAS BEEN SATISFACTORILY COMPLETED IN ACCORDANCE
5 WITH THE REQUIREMENTS OF THIS ARTICLE, THE GRADING PERMIT, CONDITIONS,
6 EROSION AND SEDIMENT CONTROL PLANS, DRAWINGS AND SPECIFICATIONS, AS
7 THE CASE MAY BE, AND THE REQUIRED REPORTS HAVE BEEN SUBMITTED, A
8 COMPLETION CERTIFICATE COVERING SUCH WORK SHALL BE ISSUED TO THE
9 OWNER BY THE DEPARTMENT. THE PERFORMANCE BOND WILL BE RETURNED AT
10 THIS TIME.

11 **§ 214-16. REQUIREMENTS FOR GRADING AND EXCAVATING.**

12 A. CUT SLOPES. IF, WHEN GRADING A LOT OR PARCEL, THE NEW GRADE
13 IS LOWERED BELOW THE GROUND LEVEL OF THE ADJOINING PROPERTY, THE NEW
14 GRADE SHALL SLOPE AT AN ANGLE LESS THAN ONE FOOT VERTICAL TO TWO FEET
15 HORIZONTAL TO MEET THE GRADE OF THE ADJOINING PROPERTY AT THE LINE. IF
16 THE SLOPE REQUIREMENTS STATED HEREIN CANNOT BE MET, AN ALTERNATE
17 STABILIZATION TECHNIQUE APPROVED BY THE DEPARTMENT SHALL BE USED OR A
18 RETAINING WALL SHALL BE BUILT ENTIRELY ON THE GROUND OF THE OWNER
19 CAUSING THE GRADING FOR WHICH A BUILDING PERMIT WILL BE REQUIRED.

20 B. FILL SLOPES. IF, WHEN GRADING A LOT OR PARCEL, THE NEW GRADE
21 IS RAISED ABOVE THE SURFACE OF THE GROUND LEVEL OF THE ADJOINING
22 PROPERTY, THE FILL SHALL BE SLOPED DOWN TO MEET THE EXISTING GRADE ON
23 AN ANGLE LESS THAN THE ANGLE OF REPOSE OF THE MATERIAL BUT NOT STEEPER
24 THAN ONE FOOT VERTICAL TO TWO FEET HORIZONTAL, AND AT NO POINT SHALL

BILL NO. 01-33
AS AMENDED

1 THE TOE OF THE SLOPE, PLUS AN ADEQUATE STORM DRAIN SYSTEM OR SWALE
2 EXTENDING TO AN APPROVED TERMINATION, EXTEND BEYOND THE ADJOINING
3 PROPERTY LINE. IF THE SLOPE REQUIREMENT HEREIN CANNOT BE MET, AN
4 ALTERNATE STABILIZATION TECHNIQUE APPROVED BY THE DEPARTMENT SHALL
5 BE USED OR A RETAINING WALL SHALL BE BUILT ENTIRELY UPON THE LAND OF
6 THE OWNER CAUSING THE FILL TO BE MADE FOR WHICH A BUILDING PERMIT WILL
7 BE REQUIRED.

8 C. IN THE FINAL GRADING AROUND ANY BUILDING, A POSITIVE GRADE
9 SHALL BE ESTABLISHED AWAY FROM THE BUILDING AND OUTFALLING INTO A
10 SUITABLE AREA.

11 **§ 214-17. PROTECTION OF ADJACENT PROPERTY.**

12 NO PERSON SHALL EXCAVATE ON LAND SUFFICIENTLY CLOSE TO THE
13 PROPERTY LINE OF ANOTHER TO ENDANGER ANY ADJOINING PROPERTY, PUBLIC
14 STREET, SIDEWALK, ALLEY OR OTHER PUBLIC OR PRIVATE PROPERTY WITHOUT
15 SUPPORTING AND PROTECTING SUCH PUBLIC STREET, SIDEWALK, ALLEY OR OTHER
16 PROPERTY FROM SETTLING, CRACKING OR OTHER DAMAGE WHICH MIGHT RESULT
17 FROM EXCAVATION. IF, IN THE OPINION OF THE DIRECTOR, THE NATURE OF THE
18 EXCAVATION IS SUCH AS TO CREATE A HAZARD TO LIFE OR PROPERTY UNLESS
19 ADEQUATELY SAFEGUARDED, THE APPLICANT SHALL CONSTRUCT SUCH WALLS,
20 FENCES, GUARDRAILS OR OTHER STRUCTURES TO SAFEGUARD THE PUBLIC
21 STREET, SIDEWALK, ALLEY OR OTHER PROPERTY AND PERSONS USING SUCH, AS
22 THE DIRECTOR MAY REQUIRE.

23 **§ 214-18. DEPOSITS OF SOILS, MATERIAL OR LIQUID PROHIBITED.**

24 A. NO PERSON SHALL ENGAGE IN ANY LAND-DISTURBING ACTIVITY OR,

**BILL NO. 01-33
AS AMENDED**

1 BY ANY ACTION, CAUSE OR PERMIT ANY SOIL, EARTH, SAND, GRAVEL, ROCK,
2 STONE OR OTHER MATERIAL OR LIQUID TO BE DEPOSITED UPON OR TO ROLL, FLOW
3 OR WASH UPON OR OVER THE PREMISES OF ANOTHER IN A MANNER TO CAUSE
4 DAMAGE TO SUCH PREMISES WITHOUT THE EXPRESS CONSENT OF THE OWNER OF
5 SUCH PREMISES AFFECTED. NO PERSON SHALL ENGAGE IN ANY LAND-DISTURBING
6 ACTIVITY OR, BY ANY ACTION, CAUSE OR PERMIT ANY SOIL, EARTH, SAND,
7 GRAVEL, ROCK, STONE OR OTHER MATERIAL OR LIQUID TO BE DEPOSITED OR TO
8 ROLL, FLOW OR WASH UPON OR OVER ANY PUBLIC STREET, STREET IMPROVEMENT,
9 ROAD, SEWER, STORM DRAIN, WATERCOURSE OR RIGHT-OF-WAY OR ANY PUBLIC
10 OR PRIVATE PROPERTY IN A MANNER TO DAMAGE OR TO INTERFERE WITH THE USE
11 OF SUCH PROPERTY.

12 B. NO PERSON SHALL, WHEN HAULING SOIL, EARTH, SAND, GRAVEL,
13 ROCK, STONE OR OTHER MATERIAL OVER ANY PUBLIC STREET, ROAD, ALLEY OR
14 PUBLIC PROPERTY, ALLOW SUCH MATERIALS TO BLOW OR SPILL OVER AND UPON
15 SUCH STREET, ROAD, ALLEY OR PUBLIC PROPERTY OR ADJACENT PRIVATE
16 PROPERTY.

17 C. IF ANY SOIL, EARTH, SAND, GRAVEL, ROCK, STONE OR OTHER
18 MATERIAL OR LIQUID IS CAUSED TO BE DEPOSITED UPON OR TO ROLL, FLOW OR
19 WASH UPON ANY PUBLIC OR PRIVATE PROPERTY IN VIOLATION OF SUBSECTIONS A
20 AND B ABOVE, THE PERSON RESPONSIBLE SHALL BE NOTIFIED AND SHALL CAUSE
21 IT TO BE REMOVED FROM SUCH PROPERTY AS SOON AS REASONABLY POSSIBLE. IN
22 THE EVENT OF AN IMMEDIATE DANGER TO THE PUBLIC HEALTH OR SAFETY,
23 NOTICE SHALL BE GIVEN BY THE MOST EXPEDITIOUS MEANS, AND THE MATERIAL
24 OR LIQUID SHALL BE REMOVED IMMEDIATELY. IN THE EVENT THAT IT IS NOT SO

**BILL NO. 01-33
AS AMENDED**

1 REMOVED, THE DEPARTMENT SHALL CAUSE SUCH REMOVAL, AND THE COST OF
2 SUCH REMOVAL BY THE DEPARTMENT SHALL BE PAID TO THE COUNTY BY THE
3 PERSON WHO FAILED TO SO REMOVE THE MATERIAL AND SHALL BE A DEBT DUE
4 TO THE COUNTY. THE COST OF SUCH REMOVAL SHALL BE A LIEN UPON ALL
5 PROPERTY AND ALL RIGHTS TO PROPERTY, REAL OR PERSONAL, OF ANY PERSON
6 LIABLE TO PAY THE SAME FROM AND AFTER THE TIME SUCH COST IS DUE AND
7 PAYABLE. THE COST OF SUCH REMOVAL SHALL BE LISTED ON THE TAX BILL AND
8 SHALL BE COLLECTED IN THE MANNER OF SUCH TAXES; PROVIDED, HOWEVER,
9 THAT NOTHING CONTAINED IN THIS SECTION SHALL BE INTERPRETED AS
10 PROHIBITING THE DEPARTMENT FROM PROCEEDING DIRECTLY WITH ALTERNATIVE
11 ENFORCEMENT PROCEDURES SET FORTH IN SECTION 214-11 AND SECTION 214-22 OR
12 DECLARING A FORFEITURE OF THE POSTED SECURITY TO THE EXTENT OF THE COST
13 INSURED BY THE COUNTY. FAILURE OF THE SURETY OR GRADING PERMIT HOLDER
14 FROM HONORING THE DEMANDS OF THE COUNTY FOR THE COSTS INCURRED SHALL
15 AUTOMATICALLY OPERATE AS A TERMINATION OF ALL GRADING PERMITS ISSUED
16 BY HARFORD COUNTY TO THE GRADING PERMIT HOLDER AND HIS PREDECESSORS,
17 SUCCESSORS AND ASSIGNS IN INTEREST.

18 **§ 214-19. RULES AND REGULATIONS.**

19 THE DIRECTOR MAY ESTABLISH RULES AND REGULATIONS FOR THE
20 ADMINISTRATION OF THE PROVISIONS OF THIS ARTICLE IN ACCORDANCE WITH
21 SECTION 807 OF THE HARFORD COUNTY CHARTER, WITH OPPORTUNITY FOR FULL
22 PARTICIPATION FROM THE RECOMMENDATIONS FROM THE DISTRICT PRIOR TO A
23 PUBLIC HEARING BEING HELD. SUCH RULES AND REGULATIONS AND
24 AMENDMENTS THERETO SHALL NOT CONFLICT WITH NOR WAIVE ANY PROVISIONS

BILL NO. 01-33
AS AMENDED

1 OF THIS ARTICLE NOR BE LESS RESTRICTIVE THAN ITS PROVISIONS.

2 **§ 214-20. COMPLAINTS.**

3 THE DEPARTMENT SHALL INVESTIGATE COMPLAINTS AND INITIATE
4 ENFORCEMENT PROCEDURES WHEN VIOLATIONS ARE CONFIRMED. ANY
5 COMPLAINT RECEIVED SHALL BE ACTED UPON ROUTINELY WITHIN 3 WORKING
6 DAYS, AND THE COMPLAINANT SHALL BE NOTIFIED OF ANY ACTION OR PROPOSED
7 ACTION ROUTINELY WITHIN 7 WORKING DAYS OF RECEIPT OF THE COMPLAINT.

8 **§ 214-21. EXCEPTIONS.**

9 THE PROVISIONS OF SECTIONS 214-12, 214-13, 214-14 AND THE CRIMINAL
10 PROVISIONS OF SECTION 214-22 SHALL NOT APPLY TO MUNICIPAL CORPORATIONS,
11 COUNTY OR STATE AGENCIES WITHIN THE STATE OR ANY PUBLIC SERVICE
12 COMPANY AS DEFINED IN ARTICLE 78, § 2(O), OF THE ANNOTATED CODE OF
13 MARYLAND, 1980, AS AMENDED, OR ANY COMBINATION THEREOF.

14 **§ 214-22. VIOLATIONS AND PENALTIES.**

15 A. ANY PERSON CONVICTED OF VIOLATING THE PROVISIONS OF THIS
16 ARTICLE SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF,
17 SHALL BE SUBJECT TO A FINE OF NOT MORE THAN \$5,000 FOR EACH AND EVERY
18 VIOLATION. EACH DAY THAT THE VIOLATION CONTINUES SHALL BE A SEPARATE
19 OFFENSE. IN ADDITION THERETO, THE COUNTY MAY INSTITUTE INJUNCTIVE,
20 MANDAMUS OR ANY OTHER APPROPRIATE ACTION OR PROCEEDINGS AT LAW OR
21 EQUITY FOR THE ENFORCEMENT OF THIS ARTICLE OR TO CORRECT VIOLATIONS OF
22 THIS ARTICLE, AND ANY COURT OF COMPETENT JURISDICTION SHALL HAVE THE
23 RIGHT TO ISSUE RESTRAINING ORDERS, TEMPORARY OR PERMANENT INJUNCTIONS
24 OR MANDAMUS OR OTHER APPROPRIATE FORMS OF REMEDY OR RELIEF.

BILL NO. 01-33
AS AMENDED

1 B. IN ADDITION TO THE ABOVE-ENUMERATED PENALTIES, THE COUNTY
2 MAY, IF IT FINDS A VIOLATION OF THIS ARTICLE, WITHHOLD ANY BUILDING
3 PERMITS OF THE VIOLATOR AND/OR ISSUE STOP-WORK ORDERS ON WORK BEING
4 DONE PURSUANT TO A COUNTY BUILDING PERMIT.

5 C. ANY AGENCY WHOSE APPROVAL IS REQUIRED UNDER THIS ARTICLE
6 OR ANY INTERESTED PERSON MAY SEEK INJUNCTIVE RELIEF AGAINST ANY PERSON
7 WHO VIOLATES OR THREATENS TO VIOLATE ANY PROVISION OF THIS ARTICLE.

8 D. IN ADDITION TO ANY OTHER SANCTION UNDER THIS ARTICLE, A
9 PERSON WHO FAILS TO INSTALL OR TO MAINTAIN EROSION AND SEDIMENT
10 CONTROLS IN ACCORDANCE WITH AN APPROVED EROSION AND SEDIMENT
11 CONTROL PLAN SHALL BE LIABLE TO THE COUNTY OR THE STATE IN A CIVIL
12 ACTION FOR DAMAGES IN AN AMOUNT EQUAL TO DOUBLE THE COST OF
13 INSTALLING OR MAINTAINING THE CONTROLS.

14 E. IF THE COUNTY RECOVERS DAMAGES IN ACCORDANCE WITH THIS
15 SECTION, IT SHALL DEPOSIT THEM IN A SPECIAL ESCROW ACCOUNT TO BE USED
16 SOLELY FOR:

17 (1) CORRECTING, TO THE EXTENT POSSIBLE, THE FAILURE TO
18 IMPLEMENT OR MAINTAIN EROSION AND SEDIMENT CONTROLS.

19 (2) ADMINISTRATION OF THE SEDIMENT CONTROL PROGRAM.

20 **§ 214-23. ADDITIONAL CIVIL PENALTY.**

21 A. IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER STATE OR
22 COUNTY LAW, A PERSON IS LIABLE FOR A CIVIL FINE UNDER THIS SECTION IF THE
23 PERSON VIOLATES ANY PROVISION OF THIS ARTICLE.

24 B. EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

**BILL NO. 01-33
AS AMENDED**

C. THE AMOUNT OF A FINE UNDER THIS SECTION IS:

(1) FOR THE FIRST VIOLATION IN ANY 12-MONTH PERIOD, \$250;

(2) FOR A SECOND VIOLATION BY THE SAME PERSON WITHIN 12 MONTHS AFTER THE FIRST VIOLATION, \$500; AND

(3) FOR A THIRD VIOLATION AND EACH SUBSEQUENT VIOLATION BY THE SAME PERSON WITHIN 12 MONTHS AFTER THE FIRST VIOLATION, \$1,000.

D. A FINE UNDER THIS SECTION SHALL BE IMPOSED IN THE FOLLOWING MANNER:

• (1) AN INSPECTOR WHO OBSERVES A VIOLATION SHALL REPORT THE VIOLATION TO THE DIRECTOR OR THE DIRECTOR'S DESIGNEE, WHO SHALL VERIFY THAT THE VIOLATION EXISTS THROUGH DISCUSSION WITH THE INSPECTOR, A SITE VISIT OR OTHER APPROPRIATE MEANS.

(2) IF A VIOLATION EXISTS, THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL AUTHORIZE THE INSPECTOR TO ISSUE A CITATION TO THE PERSON DIRECTLY RESPONSIBLE FOR THE VIOLATION OR THE GRADING PERMIT HOLDER.

(3) THE CITATION MAY BE DELIVERED OR MAILED, AND SHALL INCLUDE:

(A) THE NAME AND ADDRESS OF THE PERSON CITED;

(B) A DESCRIPTION OF THE VIOLATION;

(C) THE ADDRESS OR LOCATION OF THE VIOLATION;

(D) THE AMOUNT OF THE FINE;

(E) THE MANNER, LOCATION AND TIME IN WHICH THE FINE MAY BE PAID TO THE COUNTY;

**BILL NO. 01-33
AS AMENDED**

1 (F) A STATEMENT OF THE PERSON'S RIGHT TO FILE AN
2 ADMINISTRATIVE APPEAL OF THE CITATION, THE PROCEDURE TO BE FOLLOWED IN
3 ORDER TO FILE AN ADMINISTRATIVE APPEAL AND THE PERSON'S RIGHT TO BE
4 REPRESENTED BY AN ATTORNEY AT THE HEARING OF THE ADMINISTRATIVE
5 APPEAL; AND

6 (G) THE ADDRESS AND TELEPHONE NUMBER OF THE
7 DEPARTMENT.

8 E. A PERSON WHO RECEIVES A CITATION SHALL, WITHIN 30 CALENDAR
9 DAYS AFTER RECEIVING THE CITATION;

10 (1) PAY THE FINE; OR

11 (2) APPEAL THE CITATION IN ACCORDANCE WITH SUBSECTION F OF
12 THIS SECTION.

13 F. A PERSON WHO RECEIVES A CITATION MAY APPEAL THE CITATION BY
14 FILING WITH THE DIRECTOR OF ADMINISTRATION A REQUEST FOR A HEARING IN
15 ACCORDANCE WITH § R-2.4 OF THE COUNTY ADMINISTRATIVE RULES OF
16 PROCEDURE FOR REGULATIONS AND HEARINGS.

17 G. THE COUNTY SHALL TAKE THE STEPS NECESSARY TO COLLECT THE
18 FINE IF:

19 (1) THE FINE IS NOT PAID BY THE REQUIRED DATE; OR

20 (2) THE CITATION IS NOT APPEALED BY THE REQUIRED DATE.

21 H. ADJUDICATION OF A CIVIL VIOLATION UNDER THIS SECTION IS NOT A
22 CRIMINAL CONVICTION, NOR DOES IT IMPOSE ANY OF THE CIVIL DISABILITIES
23 ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.

24 I. A CITATION MAY BE ISSUED UNDER THIS SECTION REGARDLESS OF

1 WHETHER A STOP-WORK ORDER IS ISSUED FOR THE VIOLATION.

2 J. MONEY COLLECTED UNDER THIS SECTION:

3 (1) SHALL BE USED ONLY TO CORRECT DAMAGE THAT IS THE
4 RESULT OF THE FAILURE TO IMPLEMENT OR MAINTAIN EROSION OR SEDIMENT
5 CONTROLS; AND

6 (2) SHALL BE DEPOSITED IN A SEPARATE SEDIMENT CONTROL
7 ACCOUNT.

8 **ARTICLE II. STORMWATER QUANTITY AND QUALITY MANAGEMENT**

9 **§ 214-24. PURPOSE AND AUTHORITY.**

10 A. THE PROVISIONS OF THIS ARTICLE PURSUANT TO ENVIRONMENT
11 ARTICLE, TITLE 4 SUBTITLE 2, ANNOTATED CODE OF MARYLAND, 1996
12 REPLACEMENT VOLUME, ARE ADOPTED UNDER THE AUTHORITY OF THE HARFORD
13 COUNTY CODE AND SHALL APPLY TO ALL DEVELOPMENT OCCURRING WITHIN THE
14 BOUNDARY AREA OF HARFORD COUNTY.

15 B. THE APPLICATION OF THIS ARTICLE AND THE PROVISIONS EXPRESSED
16 HEREIN SHALL BE THE MINIMUM STORMWATER MANAGEMENT REQUIREMENTS
17 AND SHALL NOT BE DEEMED A LIMITATION OR REPEAL OF ANY OTHER POWERS
18 GRANTED BY STATE STATUTE.

19 C. THE HARFORD COUNTY DEPARTMENT OF PUBLIC WORKS SHALL BE
20 RESPONSIBLE FOR THE COORDINATION AND ENFORCEMENT OF THE PROVISIONS OF
21 THIS ARTICLE.

22 D. THE PURPOSE OF THIS ARTICLE IS TO PROTECT, MAINTAIN AND
23 ENHANCE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY
24 ESTABLISHING MINIMUM REQUIREMENTS AND PROCEDURES TO CONTROL THE

**BILL NO. 01-33
AS AMENDED**

ADVERSE IMPACTS ASSOCIATED WITH INCREASED STORMWATER RUNOFF. PROPER
MANAGEMENT OF STORMWATER RUNOFF WILL MINIMIZE DAMAGE TO PUBLIC AND
PRIVATE PROPERTY, REDUCE THE EFFECTS OF DEVELOPMENT ON LAND AND
STREAM CHANNEL EROSION, ASSIST IN THE ATTAINMENT AND MAINTENANCE OF
WATER QUALITY STANDARDS AND REDUCE LOCAL FLOODING AND MAINTAIN
AFTER DEVELOPMENT, AS NEARLY AS POSSIBLE, THE PREDEVELOPMENT RUNOFF
CHARACTERISTICS.

§ 214-25. FINAL PLAT APPROVAL.

FINAL PLAT APPROVAL WILL NOT BE GRANTED BY THE COUNTY UNTIL THE
PROPOSED DEVELOPMENT HAS SATISFIED ONE OF THE FOLLOWING CONDITIONS:

A. THE PROPOSED DEVELOPMENT HAS BEEN DETERMINED BY THE
DEPARTMENT TO BE EXEMPT FROM THE PROVISIONS OF THIS ARTICLE.

B. THE PROPOSED DEVELOPMENT HAS BEEN GRANTED A WAIVER OF THE
STORMWATER MANAGEMENT REQUIREMENTS.

C. THE PROPOSED DEVELOPMENT WILL UTILIZE AN OFF-SITE
STORMWATER MANAGEMENT FACILITY AND THE NECESSARY AGREEMENTS,
EASEMENTS AND APPROVALS HAVE BEEN OBTAINED.

D. THE APPLICANT HAS SUBMITTED THE NECESSARY DRAWINGS,
CALCULATIONS AND DOCUMENTATION THAT SHOW THE TYPE OF STORMWATER
MANAGEMENT, THE LOCATION AT WHICH IT WILL BE PROVIDED AND DIMENSIONS.
THE DOCUMENTATION SHALL BE OF SUFFICIENT DETAIL TO MEET THE APPROVAL
OF THE DEPARTMENT OF PUBLIC WORKS, THE DEPARTMENT OF PLANNING AND
ZONING AND THE HEALTH DEPARTMENT. IN ADDITION, A MAINTENANCE
AGREEMENT IN ACCORDANCE WITH SECTION 214-44 SHALL BE EXECUTED PRIOR

1 TO OR CONCURRENT WITH THE FINAL PLAT APPROVAL.

2 **§ 214-26. APPLICABILITY.**

3 THE PROVISIONS OF THIS ARTICLE SHALL BE APPLICABLE TO ANY SITE WITH
4 NEW DEVELOPMENT OR REDEVELOPMENT ACTIVITY. THE STORMWATER
5 MANAGEMENT MEASURES MUST BE DESIGNED CONSISTENT WITH THE DESIGN
6 MANUAL, THE RULES AND REGULATIONS AND MARYLAND 373 SPECS, AS
7 APPLICABLE, AND CONSTRUCTED ACCORDING TO AN APPROVED PLAN OR THE
8 PROVISIONS OF THE REDEVELOPMENT SECTION OF THIS ARTICLE

9 **§ 214-27. CONFORMANCE REQUIRED; EXEMPTIONS.**

10 A. NO PERSON SHALL DEVELOP ANY LAND FOR RESIDENTIAL,
11 COMMERCIAL, INDUSTRIAL, INSTITUTIONAL OR GOVERNMENTAL USES WITHOUT
12 HAVING PROVIDED STORMWATER MANAGEMENT MEASURES THAT CONTROL OR
13 MANAGE RUNOFF FROM SUCH DEVELOPMENTS, EXCEPT AS PROVIDED WITHIN THIS
14 SECTION. FOR ALL LAND WITHIN THE CHESAPEAKE BAY CRITICAL AREA, THE
15 STORMWATER MANAGEMENT REQUIREMENTS SPECIFIED IN SECTION 267-41.1 OF
16 THE HARFORD COUNTY ZONING CODE MUST ALSO BE MET. IN ALL CASES OF
17 CONFLICTING REQUIREMENTS, THE PROVISION THAT REPRESENTS THE GREATEST
18 RESTRICTION OR HIGHEST STANDARD SHALL GOVERN.

19 B. THE FOLLOWING DEVELOPMENT ACTIVITIES ARE EXEMPT FROM THE
20 PROVISIONS OF THIS ARTICLE AND THE REQUIREMENTS OF PROVIDING
21 STORMWATER MANAGEMENT:

- 22 (1) AGRICULTURAL LAND-MANAGEMENT ACTIVITIES.
- 23 (2) ADDITIONS OR MODIFICATIONS TO EXISTING SINGLE-FAMILY
- 24 DETACHED RESIDENTIAL STRUCTURES, PROVIDED CONDITION NUMBER 3 BELOW IS

1 MET.

2 (3) DEVELOPMENTS THAT DO NOT DISTURB OVER 5,000 SQUARE
3 FEET OF LAND AREA.

4 (4) LAND-DEVELOPMENT ACTIVITIES WHICH THE WATER
5 MANAGEMENT ADMINISTRATION DETERMINES WILL BE REGULATED UNDER
6 SPECIFIC STATE LAWS WHICH PROVIDE FOR MANAGING STORMWATER RUNOFF.

7 C. MULTIPLE EXEMPTIONS MAY BE GRANTED FOR A SITE UNDER
8 PARAGRAPHS B.2 AND B.3 OF THIS SUBSECTION, PROVIDED THE TOTAL LAND
9 DISTURBANCE HAS NOT EXCEEDED 5,000 SQUARE FEET.

10 **§ 214-28. WAIVERS/WATERSHED MANAGEMENT PLANS.**

11 A. STORMWATER MANAGEMENT QUANTITATIVE CONTROL WAIVERS MAY
12 BE GRANTED ONLY TO THOSE PROJECTS WITHIN AREAS WHERE WATERSHED
13 MANAGEMENT PLANS HAVE BEEN DEVELOPED CONSISTENT WITH SUBSECTION F
14 OF THIS SECTION.

15 B. IF WATERSHED MANAGEMENT PLANS CONSISTENT WITH SUBSECTION
16 F OF THIS SECTION HAVE NOT BEEN DEVELOPED, THEN STORMWATER
17 MANAGEMENT QUANTITATIVE CONTROL WAIVERS MAY BE GRANTED TO
18 PROJECTS:

19 (1) THAT HAVE DIRECT DISCHARGES TO TIDALLY INFLUENCED
20 RECEIVING WATERS; OR

21 (2) WHEN THE DEPARTMENT DETERMINES THAT CIRCUMSTANCES
22 EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF QUANTITY
23 CONTROL PRACTICES, PROVIDED ONE OF THE FOLLOWING REQUIREMENTS IS
24 SATISFIED:

**BILL NO. 01-33
AS AMENDED**

(A) FEES IN LIEU OF (\$1.00 PER SQUARE FOOT OF IMPERVIOUS AREA);

(B) OFF-SITE BMP IMPLEMENTATION FOR A DRAINAGE AREA COMPARABLE IN SIZE AND PERCENT OF INCREASED IMPERVIOUSNESS TO THAT OF THE PROJECT;

(C) WATERSHED OR STREAM RESTORATION;

(D) RETROFITTING; OR

(E) OTHER PRACTICES APPROVED BY THE DEPARTMENT.

(3) WHERE UNDERGROUND UTILITIES ARE TO BE INSTALLED AND THE EXISTING DRAINAGE PATTERNS WILL NOT BE CHANGED AND THERE IS NO INCREASE IN IMPERVIOUS AREA.

C. STORMWATER MANAGEMENT QUALITATIVE CONTROL WAIVERS APPLY ONLY TO:

(1) IN-FILL DEVELOPMENT PROJECTS WHERE THE DEPARTMENT HAS DETERMINED STORMWATER MANAGEMENT IMPLEMENTATION IS NOT FEASIBLE PROVIDED ONE OF THE FOLLOWING REQUIREMENTS IS SATISFIED:

(A) FEES IN LIEU OF (\$1.00 PER SQUARE FOOT OF IMPERVIOUS AREA);

(B) OFF-SITE BMP IMPLEMENTATION FOR A DRAINAGE AREA COMPARABLE IN SIZE AND PERCENT OF INCREASED IMPERVIOUSNESS TO THAT OF THE PROJECT;

(C) WATERSHED OR STREAM RESTORATION;

(D) RETROFITTING; OR

(E) OTHER PRACTICES APPROVED BY THE DEPARTMENT.

**BILL NO. 01-33
AS AMENDED**

(2) SITES WHERE THE DEPARTMENT DETERMINES THAT CIRCUMSTANCES EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF QUALITY CONTROL PRACTICES, PROVIDED ONE OF THE FOLLOWING REQUIREMENTS IS SATISFIED:

(A) FEES IN LIEU OF (\$1.00 PER SQUARE FOOT OF IMPERVIOUS AREA);

(B) OFF-SITE BMP IMPLEMENTATION FOR A DRAINAGE AREA COMPARABLE IN SIZE AND PERCENT OF INCREASED IMPERVIOUSNESS TO THAT OF THE PROJECT;

(C) WATERSHED OR STREAM RESTORATION;

(D) RETROFITTING; OR

(E) OTHER PRACTICES APPROVED BY THE DEPARTMENT.

(3) WHERE UNDERGROUND UTILITIES ARE TO BE INSTALLED AND THE EXISTING DRAINAGE PATTERNS WILL NOT BE CHANGED AND THERE IS NO INCREASE IN IMPERVIOUS AREA.

D. WAIVERS GRANTED MUST:

(1) BE ON A CASE-BY-CASE BASIS;

(2) CONSIDER THE CUMULATIVE EFFECTS OF THE DEPARTMENT'S WAIVER POLICY; AND

(3) REASONABLY ENSURE THE DEVELOPMENT WILL NOT ADVERSELY IMPACT STREAM QUALITY.

E. IF THE DEPARTMENT HAS ESTABLISHED AN OVERALL WATERSHED MANAGEMENT PLAN FOR A SPECIFIC WATERSHED, THEN THE DEPARTMENT MAY DEVELOP QUANTITATIVE WAIVER AND REDEVELOPMENT PROVISIONS THAT

1 DIFFER FROM SECTION 214-29 REDEVELOPMENT.

2 F. A WATERSHED MANAGEMENT PLAN DEVELOPED BY THE DEPARTMENT
3 FOR THE PURPOSE OF IMPLEMENTING DIFFERENT STORMWATER MANAGEMENT
4 POLICIES FOR WAIVERS AND REDEVELOPMENT SHALL:

5 (1) INCLUDE DETAILED HYDROLOGIC AND HYDRAULIC ANALYSES
6 TO DETERMINE HYDROGRAPH TIMING;

7 (2) EVALUATE BOTH QUANTITY AND QUALITY MANAGEMENT;

8 (3) INCLUDE CUMULATIVE IMPACT ASSESSMENT OF WATERSHED
9 DEVELOPMENT;

10 (4) IDENTIFY EXISTING FLOODING AND RECEIVING STREAM
11 CHANNEL CONDITIONS;

12 (5) BE CONDUCTED AT A REASONABLE SCALE;

13 (6) SPECIFY WHERE ON-SITE OR OFF-SITE QUANTITATIVE AND
14 QUALITATIVE STORMWATER MANAGEMENT PRACTICES ARE TO BE IMPLEMENTED;

15 (7) BE CONSISTENT WITH THE GENERAL PERFORMANCE STANDARDS
16 FOR STORMWATER MANAGEMENT IN MARYLAND FOUND IN SECTION 1.2 OF THE
17 DESIGN MANUAL;

18 (8) BE APPROVED BY THE WATER MANAGEMENT ADMINISTRATION.

19 G. THE DEPARTMENT MAY GRANT A WAIVER OF QUANTITATIVE AND/OR
20 QUALITATIVE STORMWATER MANAGEMENT REQUIREMENTS FOR INDIVIDUAL
21 DEVELOPMENTS PROVIDED THAT A WRITTEN REQUEST IS SUBMITTED BY THE
22 APPLICANT CONTAINING DESCRIPTIONS, DRAWINGS AND ANY OTHER
23 INFORMATION THAT IS NECESSARY TO EVALUATE THE PROPOSED DEVELOPMENT.
24 A SEPARATE WRITTEN WAIVER REQUEST SHALL BE REQUIRED IN ACCORDANCE

BILL NO. 01-33
AS AMENDED

1 WITH THE PROVISIONS OF THIS SECTION IF THERE ARE ADDITIONS, EXTENSIONS OR
2 MODIFICATIONS TO A DEVELOPMENT THAT PREVIOUSLY RECEIVED A WAIVER.

3 H. MONEY COLLECTED AS FEES IN LIEU OF UNDER THIS SUBSECTION
4 SHALL BE DEPOSITED INTO A SEPARATE ACCOUNT AND SHALL BE USED ONLY TO
5 FUND THE INVESTIGATION, DESIGN, CONSTRUCTION OR MAINTENANCE OF
6 PROJECTS FOR QUANTITATIVE OR QUALITATIVE STORMWATER MANAGEMENT OR
7 STREAM RESTORATION.

8 **§ 214-29. REDEVELOPMENT.**

9 A. STORMWATER MANAGEMENT PLANS FOR REDEVELOPMENT SHALL BE
10 CONSISTENT WITH THE DESIGN MANUAL, THE RULES AND REGULATIONS AND
11 MARYLAND 378 SPECS (AS REQUIRED) EXCEPT THAT THE RECHARGE, CHANNEL
12 PROTECTION STORAGE VOLUME AND OVERBANK FLOOD PROTECTION VOLUME
13 REQUIREMENTS DO NOT APPLY UNLESS REQUIRED BY THE DEPARTMENT.

14 B. ALL REDEVELOPMENT PROJECTS SHALL REDUCE EXISTING SITE
15 IMPERVIOUS AREAS BY AT LEAST 20%. WHERE SITE CONDITIONS PREVENT THE
16 REDUCTION OF IMPERVIOUS AREA, STORMWATER MANAGEMENT PRACTICES
17 SHALL BE IMPLEMENTED TO PROVIDE QUALITATIVE CONTROL FOR AT LEAST 20%
18 OF THE SITE'S IMPERVIOUS AREA. WHEN A COMBINATION OF IMPERVIOUS AREA
19 REDUCTION AND STORMWATER PRACTICE IMPLEMENTATION IS USED, THE
20 COMBINED AREA SHALL EQUAL OR EXCEED 20% OF THE SITE.

21 C. WHERE CONDITIONS PREVENT IMPERVIOUS AREA REDUCTION OR ON-
22 SITE STORMWATER MANAGEMENT, PRACTICAL ALTERNATIVES MAY BE
23 CONSIDERED, INCLUDING BUT NOT LIMITED TO:

24 (1) FEES IN LIEU OF (\$1.00 PER SQUARE FOOT OF IMPERVIOUS AREA);

**BILL NO. 01-33
AS AMENDED**

(2) OFF-SITE BMP IMPLEMENTATION FOR A DRAINAGE AREA
COMPARABLE IN SIZE AND PERCENT IMPERVIOUSNESS TO THAT OF THE PROJECT;

(3) WATERSHED OR STREAM RESTORATION;

(4) RETROFITTING; OR

(5) OTHER PRACTICES APPROVED BY THE DEPARTMENT.

D. MONEY COLLECTED AS FEES IN LIEU OF UNDER THIS SUBSECTION
SHALL BE DEPOSITED INTO A SEPARATE ACCOUNT AND SHALL BE USED ONLY TO
FUND THE INVESTIGATION, DESIGN, CONSTRUCTION OR MAINTENANCE OF
PROJECTS FOR QUANTITATIVE OR QUALITATIVE STORMWATER MANAGEMENT OR
STREAM RESTORATION.

§ 214-30. VARIANCES.

THE DEPARTMENT MAY GRANT A WRITTEN VARIANCE FROM ANY
REQUIREMENT OF STORMWATER MANAGEMENT CRITERIA OF THIS ARTICLE IF
THERE ARE EXCEPTIONAL CIRCUMSTANCES APPLICABLE TO THE SITE SUCH THAT
STRICT ADHERENCE WILL RESULT IN UNNECESSARY HARDSHIP AND NOT FULFILL
THE INTENT OF THE ARTICLE. A WRITTEN REQUEST FOR VARIANCE SHALL BE
PROVIDED TO THE DEPARTMENT AND SHALL STATE THE SPECIFIC VARIANCES
SOUGHT AND REASONS FOR THEIR GRANTING. THE DEPARTMENT SHALL NOT
GRANT A VARIANCE UNLESS AND UNTIL SUFFICIENT JUSTIFICATION IS PROVIDED
BY THE PERSON DEVELOPING LAND.

§ 214-31. STORMWATER MANAGEMENT CRITERIA.

A. MINIMUM CONTROL REQUIREMENTS.

(1) THE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN THIS
SECTION AND THE DESIGN MANUAL ARE AS FOLLOWS:

**BILL NO. 01-33
AS AMENDED**

1 (A) THE COUNTY SHALL REQUIRE THAT THE RECHARGE
2 VOLUME, WATER QUALITY VOLUME AND CHANNEL PROTECTION STORAGE
3 VOLUME SIZING CRITERIA BE USED TO DESIGN BMPS ACCORDING TO THE DESIGN
4 MANUAL. CONTROL OF THE 10-YEAR FREQUENCY STORM EVENT IS REQUIRED
5 ACCORDING TO THE DESIGN MANUAL.

6 (B) THE DEPARTMENT MAY REQUIRE MORE THAN THE
7 MINIMUM CONTROL REQUIREMENTS SPECIFIED IN THIS ARTICLE IF HYDROLOGIC OR
8 TOPOGRAPHIC CONDITIONS WARRANT OR IF FLOODING, STREAM CHANNEL EROSION
9 OR WATER QUALITY PROBLEMS EXIST DOWNSTREAM FROM A PROPOSED PROJECT.

10 (2) STORMWATER MANAGEMENT AND DEVELOPMENT PLANS,
11 WHERE APPLICABLE, SHALL BE CONSISTENT WITH ADOPTED AND APPROVED
12 WATERSHED MANAGEMENT PLANS FOR FLOOD MANAGEMENT PLANS AS
13 APPROVED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT IN
14 ACCORDANCE WITH THE FLOOD HAZARD MANAGEMENT ACT OF 1976.

15 B. STORMWATER MANAGEMENT MEASURES. THE STRUCTURAL AND
16 NONSTRUCTURAL STORMWATER MANAGEMENT MEASURES ESTABLISHED IN THIS
17 ARTICLE SHALL BE USED EITHER ALONE OR IN A COMBINATION, IN DEVELOPING A
18 STORMWATER MANAGEMENT PLAN.

19 (1) STRUCTURAL STORMWATER MANAGEMENT MEASURES.

20 (A) THE FOLLOWING STRUCTURAL STORMWATER
21 MANAGEMENT PRACTICES SHALL BE DESIGNED ACCORDING TO THE DESIGN
22 MANUAL AND THE RULES AND REGULATIONS TO SATISFY THE APPLICABLE
23 MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN SUBSECTION A OF THIS
24 SECTION.

**BILL NO. 01-33
AS AMENDED**

- (1) STORMWATER MANAGEMENT PONDS;
- (2) STORMWATER MANAGEMENT WETLANDS;
- (3) STORMWATER MANAGEMENT INFILTRATION;
- (4) STORMWATER MANAGEMENT FILTERING SYSTEMS;

AND

- (5) STORMWATER MANAGEMENT OPEN CHANNEL

SYSTEMS.

(B) THE PERFORMANCE CRITERIA SPECIFIED IN THE DESIGN MANUAL AND THE RULES AND REGULATIONS WITH REGARD TO GENERAL FEASIBILITY, CONVEYANCE, PRETREATMENT, TREATMENT AND GEOMETRY, ENVIRONMENT AND LANDSCAPING AND MAINTENANCE SHALL BE CONSIDERED WHEN SELECTING STRUCTURAL STORMWATER MANAGEMENT PRACTICES.

(C) STRUCTURAL STORMWATER MANAGEMENT PRACTICES SHALL BE SELECTED TO ACCOMMODATE THE UNIQUE HYDROLOGIC OR GEOLOGIC REGIONS OF THE COUNTY.

(2) NONSTRUCTURAL STORMWATER MANAGEMENT MEASURES.

(A) THE FOLLOWING NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES SHALL BE APPLIED ACCORDING TO THE DESIGN MANUAL TO MINIMIZE INCREASES IN NEW DEVELOPMENT RUNOFF:

- (1) NATURAL AREA CONSERVATION;
- (2) DISCONNECTION OF ROOFTOP RUNOFF;
- (3) DISCONNECTION OF NON-ROOFTOP RUNOFF;
- (4) SHEET FLOW TO BUFFERS;
- (5) GRASS CHANNELS; AND

**BILL NO. 01-33
AS AMENDED**

1 (6) ENVIRONMENTALLY SENSITIVE DEVELOPMENT.

2 (B) THE USE OF NONSTRUCTURAL STORMWATER
3 MANAGEMENT PRACTICES SHALL BE ENCOURAGED TO MINIMIZE THE RELIANCE
4 ON STRUCTURAL BMPS.

5 (C) THE MINIMUM CONTROL REQUIREMENTS LISTED IN
6 SUBSECTION A OF THIS SECTION MAY BE REDUCED WHEN NONSTRUCTURAL
7 STORMWATER MANAGEMENT PRACTICES ARE INCORPORATED INTO SITE DESIGNS
8 ACCORDING TO THE DESIGN MANUAL AND THE RULES AND REGULATIONS.

9 (D) THE USE OF NONSTRUCTURAL STORMWATER
10 MANAGEMENT PRACTICES MAY NOT CONFLICT WITH EXISTING STATE OR LOCAL
11 LAWS, ORDINANCES, REGULATIONS OR POLICIES.

12 (E) NONSTRUCTURAL STORMWATER MANAGEMENT
13 PRACTICES USED TO REDUCE THE MINIMUM CONTROL REQUIREMENTS MUST BE
14 RECORDED IN THE LAND RECORDS OF HARFORD COUNTY AND REMAIN
15 UNALTERED BY SUBSEQUENT PROPERTY OWNERS. PRIOR APPROVAL FROM THE
16 DEPARTMENT SHALL BE OBTAINED BEFORE NONSTRUCTURAL STORMWATER
17 PRACTICES ARE ALTERED.

18 (3) ALTERNATIVE STRUCTURAL AND NONSTRUCTURAL
19 STORMWATER MANAGEMENT PRACTICES MAY BE USED FOR NEW DEVELOPMENT
20 WATER QUALITY CONTROL IF THEY MEET THE PERFORMANCE CRITERIA
21 ESTABLISHED IN THE DESIGN MANUAL AND ARE APPROVED BY THE WATER
22 MANAGEMENT ADMINISTRATION. PRACTICES USED FOR REDEVELOPMENT
23 PROJECTS SHALL BE APPROVED BY THE DEPARTMENT.

24 (4) FOR THE PURPOSE OF MODIFYING THE MINIMUM CONTROL

**BILL NO. 01-33
AS AMENDED**

1 REQUIREMENTS OR DESIGN CRITERIA, THE OWNER/DEVELOPER SHALL SUBMIT TO
2 THE DEPARTMENT AN ANALYSIS OF THE IMPACTS OF STORMWATER FLOWS
3 DOWNSTREAM IN THE WATERSHED. THE ANALYSIS SHALL INCLUDE HYDROLOGIC
4 AND HYDRAULIC CALCULATIONS NECESSARY TO DETERMINE THE IMPACT OF
5 HYDROGRAPH TIMING MODIFICATIONS OF THE PROPOSED DEVELOPMENT UPON A
6 DAM, HIGHWAY, STRUCTURE OR NATURAL POINT OF RESTRICTED STREAM FLOW.
7 THE POINT OF INVESTIGATION IS TO BE ESTABLISHED WITH THE CONCURRENCE OF
8 THE DEPARTMENT DOWNSTREAM OF THE FIRST DOWNSTREAM TRIBUTARY WHOSE
9 DRAINAGE AREA EQUALS OR EXCEEDS THE CONTRIBUTING AREA TO THE PROJECT
10 OR STORMWATER MANAGEMENT FACILITY.

11 C. SPECIFIC DESIGN CRITERIA. THE BASIC DESIGN CRITERIA,
12 METHODOLOGIES AND CONSTRUCTION SPECIFICATIONS, SUBJECT TO THE
13 APPROVAL OF THE DEPARTMENT AND THE WATER MANAGEMENT
14 ADMINISTRATION, SHALL BE THOSE OF THE DESIGN MANUAL AND THE RULES AND
15 REGULATIONS. FOR ALL LAND WITHIN THE EDGEWOOD ENTERPRISE ZONE, THE
16 STORMWATER MANAGEMENT REQUIREMENTS FOR LANDSCAPING SHALL ALSO
17 INCLUDE THE FOLLOWING AS ACCEPTABLE PLANTINGS: CRABAPPLES (MALUS
18 'PRAIRIE FIRE'); RED SPIRE PEAR (PYRUS CALLERYANA 'RED SPIRE'); AND SUGAR
19 TYME CRAB (MALUS 'SUGAR TYME').

20 D. THE USE OF AN OFF-SITE FACILITY FOR CHANNEL PROTECTION
21 VOLUME (C_p), OVBANK FLOOD PROTECTION VOLUME (Q_p) AND EXTREME FLOOD
22 VOLUME (Q_f) IS ACCEPTABLE PROVIDED THE RUNOFF IS CONVEYED TO THE
23 OFFSITE FACILITY VIA A CLOSED STORM DRAIN OR SIMILARLY ENGINEERED
24 SYSTEM. IT IS NOT ACCEPTABLE TO SUBJECT NATURAL STREAM SYSTEMS TO

**BILL NO. 01-33
AS AMENDED**

1 EROSION CONDITIONS FOR CONVEYING UNMANAGED STORMWATER RUNOFF TO
2 DOWNSTREAM REGIONAL FACILITIES. THE ENGINEER SHALL SUBMIT PROOF THAT
3 THE FACILITY WAS DESIGNED TO CONTROL RUNOFF FROM THE PROPOSED
4 DEVELOPMENT IN QUESTION AND THAT THE FACILITY HAS THE CAPACITY TO
5 CONTROL THE ADDITIONAL RUNOFF CAUSED BY THE PROPOSED DEVELOPMENT IN
6 QUESTION. AN AGREEMENT ALLOWING SUCH USE OF AN OFF-SITE FACILITY SHALL
7 BE EXECUTED BETWEEN THE DEVELOPER AND THE OWNER OF THE OFF-SITE
8 FACILITY AND SHALL BE RECORDED IN THE LAND RECORDS OF HARFORD COUNTY.

9 **§ 214-32. STORMWATER MANAGEMENT PLANS.**

10 A. REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS.

11 (1) FOR ANY PROPOSED DEVELOPMENT, THE DEVELOPER SHALL
12 SUBMIT A STORMWATER MANAGEMENT PLAN OR WAIVER APPLICATION TO THE
13 DEPARTMENT FOR REVIEW AND APPROVAL, UNLESS OTHERWISE EXEMPTED. THE
14 STORMWATER MANAGEMENT PLAN SHALL CONTAIN SUPPORTING COMPUTATIONS,
15 DRAWINGS AND SUFFICIENT INFORMATION DESCRIBING THE MANNER, LOCATION
16 AND TYPES OF MEASURES IN WHICH STORMWATER RUNOFF WILL BE MANAGED
17 FROM THE ENTIRE DEVELOPMENT. THE DEPARTMENT SHALL REVIEW THE PLAN TO
18 DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE PRIOR TO
19 APPROVAL. THE PLAN SHALL SERVE AS THE BASIS FOR ALL SUBSEQUENT
20 CONSTRUCTION.

21 (2) NOTIFICATION OF APPROVAL OR REASONS FOR DISAPPROVAL
22 OR MODIFICATION SHALL BE GIVEN TO THE APPLICANT WITHIN 30 CALENDAR
23 DAYS AFTER SUBMISSION OF THE COMPLETED STORMWATER PLAN. IF A DECISION
24 IS NOT MADE WITHIN 30 CALENDAR DAYS, THE APPLICANT SHALL BE INFORMED OF

**BILL NO. 01-33
AS AMENDED**

1 THE STATUS OF THE REVIEW PROCESS AND THE ANTICIPATED COMPLETION DATE.
2 THE STORMWATER MANAGEMENT PLAN SHALL NOT BE CONSIDERED APPROVED
3 WITHOUT THE INCLUSION OF THE SIGNATURE AND DATE OF SIGNATURE OF THE
4 DIRECTOR ON THE PLAN.

5 B. CONTENTS OF THE STORMWATER MANAGEMENT PLAN. THE
6 DEVELOPER IS RESPONSIBLE FOR SUBMITTING A STORMWATER MANAGEMENT
7 PLAN THAT MEETS THE DESIGN REQUIREMENTS OF THIS ARTICLE, THE DESIGN
8 MANUAL AND THE RULES AND REGULATIONS. THE PLAN SHALL BE ACCOMPANIED
9 BY A REPORT THAT INCLUDES SUFFICIENT INFORMATION TO EVALUATE THE
10 ENVIRONMENTAL CHARACTERISTICS OF AFFECTED AREAS, THE POTENTIAL
11 IMPACTS OF THE PROPOSED DEVELOPMENT ON WATER RESOURCES AND THE
12 EFFECTIVENESS AND ACCEPTABILITY OF MEASURES PROPOSED FOR MANAGING
13 STORMWATER RUNOFF. THE DEVELOPER OR BUILDER SHALL CERTIFY ON THE
14 DRAWINGS THAT ALL CLEARING, GRADING, DRAINAGE, CONSTRUCTION AND
15 DEVELOPMENT SHALL BE CONDUCTED IN STRICT ACCORDANCE WITH THE PLAN.
16 IF A STORMWATER MANAGEMENT PLAN INVOLVES DIRECTION OF SOME OR ALL
17 RUNOFF FROM THE SITE, IT IS THE RESPONSIBILITY OF THE DEVELOPER TO OBTAIN
18 FROM ADJACENT PROPERTY OWNERS ANY EASEMENTS OR NECESSARY PROPERTY
19 INTERESTS CONCERNING FLOWAGE OF WATER. APPROVAL OF A STORMWATER
20 MANAGEMENT PLAN DOES NOT CREATE OR AFFECT ANY RIGHT TO DIRECT RUNOFF
21 ONTO ADJACENT PROPERTY WITHOUT THAT PROPERTY OWNER'S PERMISSION. THE
22 MINIMUM INFORMATION SUBMITTED FOR SUPPORT OF A STORMWATER
23 MANAGEMENT PLAN OR APPLICATION FOR A WAIVER SHALL BE AS SPECIFIED IN
24 THE RULES AND REGULATIONS OR IN COMAR 26.17.02.09 (WHICHEVER IS MORE

1 RESTRICTIVE).

2 C. PREPARATION OF THE STORMWATER MANAGEMENT PLAN.

3 (1) THE DESIGN OF STORMWATER MANAGEMENT PLANS AND
4 COMPUTATIONS SHALL BE PREPARED BY EITHER A PROFESSIONAL ENGINEER OR
5 PROFESSIONAL LAND SURVEYOR LICENSED IN MARYLAND OR, WHERE ALLOWED
6 UNDER STATE LAW, BY A REGISTERED LANDSCAPE ARCHITECT LICENSED IN
7 MARYLAND.

8 (2) IF A STORMWATER BMP REQUIRES EITHER A DAM SAFETY
9 PERMIT FROM THE WATER MANAGEMENT ADMINISTRATION OR SMALL POND
10 APPROVAL FROM THE DISTRICT, THE DEPARTMENT SHALL REQUIRE THAT THE
11 DESIGN BE PREPARED BY A PROFESSIONAL ENGINEER LICENSED IN MARYLAND.

12 D. WHEN A STORMWATER MANAGEMENT PLAN INVOLVES REDIRECTING
13 SOME OR ALL RUNOFF OFF OF THE SITE, IT SHALL BE THE RESPONSIBILITY OF THE
14 DEVELOPER TO OBTAIN FROM ADJACENT PROPERTY OWNERS ANY NECESSARY
15 EASEMENTS. APPROVAL OF A STORMWATER MANAGEMENT PLAN DOES NOT
16 CREATE OR AFFECT ANY SUCH RIGHT.

17 E. AN AGREEMENT ALLOWING USE OF ANY OFF-SITE STORMWATER
18 MANAGEMENT FACILITY SHALL BE EXECUTED BETWEEN THE DEVELOPER AND THE
19 OWNER OF THE OFF-SITE FACILITY AND SHALL BE RECORDED IN THE LAND
20 RECORDS OF HARFORD COUNTY.

21 F. STORMWATER MANAGEMENT PLAN APPROVAL SHALL BE VALID FOR A
22 PERIOD OF 24 CONSECUTIVE MONTHS. FOR SITES ON WHICH WORK HAS NOT BEEN
23 COMPLETED WITHIN THIS TIME FRAME, THE PLAN SHALL BE SUBJECT TO AN
24 UPDATE REVIEW AND REAPPROVAL.

1 G. STORMWATER MANAGEMENT PLANS WHICH SPECIFY THE DESIGN AND
2 CONSTRUCTION OF STRUCTURES WHICH ARE SUBJECT TO MARYLAND 378 SPECS
3 MUST RECEIVE DISTRICT AND/OR WATER MANAGEMENT ADMINISTRATION DAM
4 SAFETY APPROVAL PRIOR TO RECEIVING APPROVAL FROM THE COUNTY.

5 **§ 214-33. PLAN MODIFICATION.**

6 A. MAJOR MODIFICATIONS OF THE APPROVED PLANS SHALL BE
7 SUBMITTED TO THE DEPARTMENT AND REPROCESSED IN THE SAME MANNER AS
8 THE ORIGINAL PLAN WHEN:

9 (1) INSPECTION HAS REVEALED THE INADEQUACY OF THE PLAN TO
10 ACCOMPLISH THE STORMWATER MANAGEMENT OBJECTIVES OF THE PLAN. COST
11 FOR MODIFICATION SHALL BE BORNE BY THE OWNER IF SUCH INADEQUACY IS OR
12 WAS THE RESPONSIBILITY OF THE OWNER, AND FURTHER DEVELOPMENT OF THE
13 SITE SHALL BE PROHIBITED UNTIL THE MODIFICATIONS ARE MADE.

14 (2) THE PERSON RESPONSIBLE FOR CARRYING OUT THE APPROVED
15 PLAN FINDS THAT, BECAUSE OF CHANGED CIRCUMSTANCES OR FOR OTHER
16 REASONS, THE APPROVED PLAN CANNOT BE EFFECTIVELY EXECUTED AND
17 PROPOSES REVISIONS TO THE PLAN THAT ARE CONSISTENT WITH THE
18 REQUIREMENTS OF THIS ARTICLE.

19 B. THE DEPARTMENT MAY, IN EMERGENCY SITUATIONS AND AT ITS
20 DISCRETION, ORDER REPAIRS OR MODIFICATIONS IN ORDER TO PROTECT
21 WATERCOURSES, OTHER PROPERTIES OR THE GENERAL PUBLIC FROM DAMAGE, TO
22 REMAIN IN EFFECT UNTIL SUCH MODIFICATIONS OR REVISIONS TO THE PLAN
23 SHALL HAVE BEEN APPROVED AND IMPLEMENTED. FURTHER DEVELOPMENT OF
24 THE SITE SHALL BE PROHIBITED UNTIL THE MODIFICATIONS ARE MADE.

1 C. FIELD MODIFICATIONS OF A MINOR NATURE, WHERE SUCH CHANGES
2 DO NOT RENDER THE PLAN INEFFECTIVE, MAY BE AUTHORIZED BY THE
3 DEPARTMENT, PROVIDED THAT WRITTEN AUTHORIZATION IS GIVEN TO THE
4 PERSON PERFORMING WORK PURSUANT TO THIS ARTICLE, WITH A COPY
5 FORWARDED IN A TIMELY MANNER TO THE DISTRICT WHEN APPLICABLE. MINOR
6 MODIFICATIONS SHALL NOT INCLUDE CHANGES TO THE HYDRAULIC AND/OR
7 STRUCTURAL DESIGN FOR WHICH THE PLAN WAS APPROVED.

8 **§ 214-34. PERMITS.**

9 A. PERMIT REQUIREMENT. A GRADING OR BUILDING PERMIT SHALL NOT
10 BE ISSUED FOR ANY PARCEL OR LOT UNLESS A STORMWATER MANAGEMENT PLAN
11 HAS BEEN APPROVED, EXEMPTED OR WAIVED BY THE DEPARTMENT AS MEETING
12 ALL THE REQUIREMENTS OF THIS ARTICLE. WHERE APPROPRIATE, A BUILDING
13 PERMIT MAY NOT BE ISSUED WITHOUT:

14 (1) RECORDED EASEMENTS FOR THE STORMWATER MANAGEMENT
15 FACILITY, EASEMENTS FOR ANY AREA INUNDATED BY THE 100-YEAR STORM,
16 EASEMENTS FROM A PUBLIC RIGHT-OF-WAY TO PROVIDE ADEQUATE ACCESS FOR
17 INSPECTION AND MAINTENANCE AND EASEMENTS FROM A PUBLIC RIGHT-OF-WAY
18 TO AN OFFSITE STORMWATER MANAGEMENT FACILITY;

19 (2) A RECORDED STORMWATER MANAGEMENT MAINTENANCE
20 AGREEMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 214-44 OF
21 THIS ARTICLE;

22 (3) A PERFORMANCE BOND WHICH COMPLIES WITH THE
23 REQUIREMENTS OF SECTION 214-37 OF THIS ARTICLE; AND

24 (4) PERMISSION FROM ADJACENT PROPERTY OWNERS AS REQUIRED.

1 B. PERMIT CONDITIONS. WHEN STORMWATER MANAGEMENT FACILITIES
2 ARE REQUIRED, IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER OF
3 THE AFFECTED PROPERTY OR SUCH DEVELOPER/OWNER'S AUTHORIZED AGENT TO
4 FILE AN APPLICATION FOR A STORMWATER MANAGEMENT PERMIT WITH THE
5 DEPARTMENT. THE APPLICATION SHALL BE ACCOMPANIED BY PLANS APPROVED
6 BY THE DEPARTMENT AND, WHEN APPLICABLE, THE DISTRICT AND THE
7 PERFORMANCE BOND.

8 (1) WORK REQUIRED BY A STORMWATER MANAGEMENT PLAN MAY
9 NOT BE CONDUCTED UNLESS A GRADING PERMIT HAS BEEN ISSUED IN
10 ACCORDANCE WITH ARTICLE I – SEDIMENT CONTROL.

11 (2) STORMWATER MANAGEMENT PERMITS SHALL EXPIRE
12 CONCURRENTLY WITH STORMWATER MANAGEMENT PLAN APPROVAL. FOR
13 STORMWATER MANAGEMENT PLANS WHICH REQUIRE AN UPDATE REVIEW AND
14 REAPPROVAL, A NEW APPLICATION FOR A STORMWATER MANAGEMENT PERMIT
15 SHALL BE SUBMITTED.

16 (3) THE APPROVED PLAN SHALL BE A PART OF THE PERMIT.
17 ISSUANCE OF BUILDING PERMITS AND/OR USE AND OCCUPANCY PERMITS SHALL BE
18 WITHHELD PENDING APPROVAL OF THE FINAL STORMWATER MANAGEMENT PLAN,
19 UNLESS STORMWATER MANAGEMENT HAS BEEN OTHERWISE WAIVED OR
20 EXEMPTED FOR THE SITE.

21 (4) IF A PROPOSED STORMWATER MANAGEMENT FACILITY
22 REQUIRES A PERMIT FROM THE WATER MANAGEMENT ADMINISTRATION OR ANY
23 OTHER STATE OR FEDERAL AGENCY, THE HARFORD COUNTY STORMWATER
24 MANAGEMENT PERMIT REQUIRED UNDER THE PROVISION OF THIS ARTICLE WILL

BILL NO. 01-33
AS AMENDED

1 NOT BE ISSUED UNTIL THE NECESSARY STATE AND/OR FEDERAL PERMITS
2 PERTAINING TO THE SITE HAVE BEEN APPROVED AND FORWARDED TO THE
3 DEPARTMENT.

4 (5) IN GRANTING ANY PERMIT, THE DEPARTMENT MAY ATTACH
5 SUCH CONDITIONS THERETO AS MAY BE DEEMED REASONABLY NECESSARY TO
6 ENSURE PUBLIC HEALTH AND SAFETY AND THE MITIGATION OF ENVIRONMENTAL
7 IMPACT.

8 **§ 214-35. PERMIT FEE.**

9 FEES FOR TECHNICAL AND ENGINEERING REVIEW, INSPECTION AND
10 ENFORCEMENT ACTIVITIES SHALL BE AS ESTABLISHED BY LAW.

11 **§ 214-36. PERMIT SUSPENSION AND REVOCATION.**

12 A. ANY STORMWATER MANAGEMENT PERMIT, GRADING PERMIT,
13 BUILDING PERMIT OR STORMWATER MANAGEMENT WAIVER ISSUED BY THE
14 COUNTY MAY BE SUSPENDED OR REVOKED AFTER WRITTEN NOTICE IS GIVEN BY
15 CERTIFIED MAIL TO CORRECT IDENTIFIED VIOLATIONS WITHIN THE TIME FRAME
16 SPECIFIED IN THE NOTICE:

17 (1) ANY VIOLATION(S) OF THE CONDITIONS OF THE STORMWATER
18 MANAGEMENT PLAN APPROVAL.

19 (2) CHANGES IN SITE RUNOFF CHARACTERISTICS UPON WHICH A
20 WAIVER WAS GRANTED.

21 (3) SITE RUNOFF CHARACTERISTICS ON THE FINAL GRADING PLANS
22 WHICH CONTRADICT CHARACTERISTICS ON THE APPROVED STORMWATER
23 MANAGEMENT PLANS.

24 (4) CONSTRUCTION NOT IN ACCORDANCE WITH THE APPROVED

1 PLANS.

2 (5) NONCOMPLIANCE WITH CORRECTION NOTICE(S) OR STOP-WORK
3 ORDER(S) ISSUED FOR THE CONSTRUCTION OF THE STORMWATER MANAGEMENT
4 FACILITY.

5 (6) NONCOMPLIANCE WITH CORRECTION NOTICE(S) OR STOP WORK
6 ORDER(S) ISSUED FOR SEDIMENT CONTROL OR GRADING WHERE THE
7 NONCOMPLIANCE MAY CAUSE DETRIMENTAL EFFECTS TO THE STORMWATER
8 MANAGEMENT FACILITY.

9 B. NOTHING IN THIS SECTION SHALL BE INTERPRETED AS PROHIBITING
10 THE DEPARTMENT FROM IMMEDIATELY SUSPENDING OR REVOKING ANY PERMIT
11 OR WAIVER ISSUED BY THE COUNTY, WITHOUT WRITTEN NOTICE IF, IN THE SOLE
12 DISCRETION OF THE DEPARTMENT, IT IS DETERMINED THAT AN IMMEDIATE
13 DANGER TO PERSON OR PROPERTY EXISTS AS A RESULT OF THE DEVELOPMENT
14 FOR WHICH THE PERMIT WAS ISSUED OR THAT THE ACTION IS WARRANTED BY THE
15 FREQUENCY OR SEVERITY OF THE VIOLATION(S).

16 C. IN ADDITION TO THE AUTHORITY SET FORTH IN SUBSECTION A ABOVE,
17 THE DIRECTOR MAY POST A SITE WITH AN ORDER DIRECTING THE PERMITTEE TO
18 CEASE ALL LAND-DISTURBING ACTIVITY BEING PERFORMED UNDER PERMITS
19 REQUIRED BY THIS CHAPTER WHEN SUCH ACTIVITY DOES NOT CONFORM TO THE
20 SPECIFICATIONS, INCLUDING MODIFICATIONS THEREOF, OF AN APPROVED PLAN OR
21 OTHER CONDITIONS OF THE PERMIT ISSUED HEREUNDER, PROVIDED THAT:

22 (1) WRITTEN NOTICE TO COMPLY WILL BE FURNISHED
23 IMMEDIATELY TO THE ENGINEER-IN-CHARGE OF THE SITE.

24 (2) WRITTEN NOTICE TO COMPLY WILL BE FURNISHED WITHIN 7

BILL NO. 01-33
AS AMENDED

1 DAYS TO THE PERMITTEE BY CERTIFIED MAIL AND ADDRESSED TO THE ADDRESS
2 OF THE PERMITTEE AS STATED ON THE APPLICATION FOR A PERMIT.

3 (3) SUCH NOTICE WILL INCLUDE THE NATURE OF THE CORRECTIVE
4 MEASURES REQUIRED AND THE TIME WITHIN WHICH CORRECTIONS SHALL BE
5 MADE.

6 D. NOTHING CONTAINED IN THIS SECTION SHALL BE INTERPRETED AS
7 RESTRICTING THE DEPARTMENT FROM PROCEEDING DIRECTLY WITH A STOP-WORK
8 ORDER OR WITH ALTERNATIVE ENFORCEMENT PROCEDURES ESTABLISHED BY
9 LAW.

10 E. THE COUNTY MAY WITHHOLD THE ISSUANCE OF BUILDING PERMITS IN
11 A DEVELOPMENT THAT DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS
12 ARTICLE.

13 F. A PERMIT FOR CONSTRUCTION OF STORMWATER FACILITIES IN
14 ACCORDANCE WITH THIS ARTICLE SHALL BE GRANTED ONLY WHEN THE
15 REQUIREMENTS OF THIS ARTICLE ARE MET. CONSTRUCTION OF A STORMWATER
16 MANAGEMENT FACILITY PRIOR TO RE-ISSUANCE OF STORMWATER MANAGEMENT
17 PERMIT WILL ONLY BE ALLOWED UPON THE WRITTEN APPROVAL OF THE
18 DIRECTOR OF PUBLIC WORKS AND MUST CONFORM WITH THE APPROVED PLANS,
19 INSPECTIONS AND ALL OTHER REQUIREMENTS OF THIS ARTICLE.

20 **§ 214-37. PERFORMANCE BOND.**

21 A. THE DEPARTMENT SHALL, BEFORE ISSUING A STORMWATER
22 MANAGEMENT PERMIT FOR THE CONSTRUCTION OF A STORMWATER
23 MANAGEMENT FACILITY, REQUIRE A CASH OR CORPORATE BOND OR OTHER
24 APPROVED SECURITY, IN A FORM AND MANNER PRESCRIBED BY THE COUNTY

BILL NO. 01-33
AS AMENDED

1 ATTORNEY, CONDITIONED UPON FAITHFUL PERFORMANCE OF THE CONDITIONS
2 AND TIME LIMITS OF THE STORMWATER MANAGEMENT PERMIT. REQUIRED
3 COLLATERAL SHALL BE EQUAL TO THE APPROVED ESTIMATED COST OF
4 CONSTRUCTION OF THE STORMWATER MANAGEMENT FACILITY UNLESS A
5 REDUCED AMOUNT IS APPROVED IN ACCORDANCE WITH OTHER PROVISIONS OF
6 THIS SECTION. A CORPORATE BOND SHALL BE MAINTAINED AND RENEWED
7 ANNUALLY AND SHALL BE EXECUTED BY A SURETY OR GUARANTY COMPANY
8 QUALIFIED TO TRANSACT BUSINESS IN THE STATE OF MARYLAND. A CASH BOND
9 SHALL BE DEPOSITED WITH THE TREASURER OF HARFORD COUNTY, WHO SHALL
10 GIVE A RECEIPT STATING THAT THE CASH HAS BEEN DEPOSITED IN COMPLIANCE
11 WITH AND SUBJECT TO THE PROVISIONS OF THIS SECTION. THE APPROVED
12 SECURITY SHALL OBLIGATE THE PRINCIPAL AND THE PRINCIPAL'S EXECUTORS,
13 ADMINISTRATORS, SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY, WITH
14 THE SURETY AND SHALL INURE TO THE BENEFIT OF THE COUNTY, ITS OFFICERS,
15 EMPLOYEES AND TO ANY PERSON AGGRIEVED BY THE PRINCIPAL'S FAILURE TO
16 COMPLY WITH THE CONDITIONS THEREOF. THE PRINCIPAL AND THE SURETY
17 SHALL, UNDER THE BOND OR OTHER APPROVED SECURITY, CONTINUE TO BE
18 FIRMLY BOUND UNDER A CONTINUING OBLIGATION FOR THE PAYMENT OF ALL
19 NECESSARY COSTS AND EXPENSES OR LIABILITIES WHICH MAY BE INCURRED OR
20 EXPENDED BY THE DEPARTMENT TO MEET THE MINIMUM REQUIREMENTS OF THIS
21 ARTICLE.

22 B. WHENEVER THE DEPARTMENT SHALL FIND THAT A DEFAULT HAS
23 OCCURRED IN THE PERFORMANCE OF ANY TERM OR CONDITION OF THE PERMIT OR
24 APPROVED SECURITY, WRITTEN NOTICE THEREOF SHALL BE GIVEN TO THE

BILL NO. 01-33
AS AMENDED

1 PRINCIPAL AND TO THE SURETY OF THE BOND OR SECURITY. SUCH NOTICE SHALL
2 STATE THE WORK TO BE DONE, THE ESTIMATED COST THEREOF AND THE PERIOD
3 OF TIME DEEMED BY THE DEPARTMENT TO BE REASONABLY NECESSARY FOR THE
4 COMPLETION OF SUCH WORK.

5 C. IF A CASH BOND HAS BEEN POSTED, NOTICE OF DEFAULT AS PROVIDED
6 BY THE PRECEDING SUBSECTIONS SHALL BE GIVEN TO THE PRINCIPAL. IF
7 COMPLIANCE IS NOT OBTAINED WITHIN THE TIME SPECIFIED, THE DEPARTMENT
8 SHALL PROCEED, WITHOUT DELAY AND WITHOUT FURTHER NOTICE OR
9 PROCEEDINGS WHATSOEVER, TO USE THE CASH DEPOSITED OR ANY PORTION OF
10 SUCH DEPOSIT TO CAUSE THE REQUIRED WORK TO BE COMPLETED BY CONTRACT
11 OR OTHERWISE AT THE DISCRETION OF THE DEPARTMENT.

12 D. IN THE EVENT OF ANY DEFAULT IN THE PERFORMANCE OF ANY TERM
13 OR CONDITION OF THE PERMIT OR BOND OR OTHER APPROVED SECURITY, THE
14 COUNTY, THE SURETY OR ANY PERSON EMPLOYED OR ENGAGED ON HIS/HER
15 BEHALF SHALL HAVE THE RIGHT TO GO UPON THE SITE TO COMPLETE THE
16 REQUIRED WORK NECESSARY TO CONTROL STORMWATER RUNOFF OR TO MAKE
17 THE SITE SAFE. IN THE EVENT THAT THE DEPARTMENT UNDERTAKES THE
18 REQUIRED WORK OR MAKES THE SITE SAFE WITH THE FUNDS FROM THE FORFEITED
19 CASH OR CORPORATE BOND OR SECURITY, SUCH FUNDS SHALL BE USED TO PAY
20 THE COST OF CONTRACTING, INCLUDING ENGINEERING AND ADMINISTRATION, FOR
21 NECESSARY RESTORATION OF THE SITE TO CONTROL STORMWATER RUNOFF
22 WITHIN THE REQUIREMENTS OF THE PLAN, PERMIT, BOND, SECURITY OR THIS
23 ARTICLE. IF THE COST OF THE WORK NECESSARY TO MANAGE STORMWATER OR
24 TO MAKE IT SAFE EXCEEDS THE AMOUNT OF THE CASH OR CORPORATE BOND OR

**BILL NO. 01-33
AS AMENDED**

1 SECURITY, THE PERMITTEE SHALL CONTINUE TO BE FIRMLY BOUND UNDER A
2 CONTINUING OBLIGATION FOR PAYMENT OF ALL EXCESS COSTS AND EXPENSES
3 INCURRED BY THE COUNTY. THE COST AND EXPENSES SHALL BE A LIEN UPON ALL
4 PROPERTY AND ALL RIGHTS TO PROPERTY, REAL OR PERSONAL, OF ANY PERSON
5 LIABLE TO PAY THE SAME FROM AND AFTER THE TIME SAID COST IS DUE AND
6 PAYABLE. THE COST SHALL BE LISTED ON THE TAX BILL AND SHALL BE
7 COLLECTED IN THE MANNER OF ORDINARY TAXES, PLUS INTEREST.

8 E. NO PERSON SHALL INTERFERE WITH OR OBSTRUCT THE INGRESS OR
9 EGRESS TO OR FROM ANY SUCH SITE OR PREMISES BY AN AUTHORIZED
10 REPRESENTATIVE OR AGENT OF ANY SURETY OR OF THE DEPARTMENT ENGAGED
11 IN COMPLETING THE WORK REQUIRED TO BE PERFORMED UNDER THE PERMIT OR
12 IN COMPLYING WITH THE TERMS OR CONDITIONS THEREOF.

13 F. THE POSTED BOND OR OTHER SECURITY SHALL REMAIN IN FULL
14 FORCE AND EFFECT UNTIL FINAL INSPECTION OF THE FACILITY OR FACILITIES HAS
15 BEEN CONDUCTED AND AS-BUILT PLANS, WHERE REQUIRED, HAVE BEEN
16 APPROVED BY THE DEPARTMENT OR ITS AUTHORIZED REPRESENTATIVE. THE
17 BOND OR OTHER SECURITY SHALL BE RETURNED TO THE DEPOSITOR OR THE
18 DEPOSITOR'S SUCCESSORS OR ASSIGNS WITHIN 90 DAYS OF THE APPROVAL,
19 EXCEPT FOR ANY PORTION OF THE BOND WHICH MAY HAVE BEEN USED. FAILURE
20 TO MAINTAIN THE REQUIRED SURETY SHALL AUTOMATICALLY CAUSE A
21 TEMPORARY REVOCATION OF ANY AND ALL PERMITS ISSUED BY HARFORD
22 COUNTY TO THE PERMITTEE OR THE PERMITTEE'S SUCCESSORS AND ASSIGNS IN
23 INTEREST.

24 G. WHERE A STORMWATER MANAGEMENT POND HAS BEEN

1 CONSTRUCTED AND IS PROVIDING SEDIMENT CONTROL FOR THE SITE, THE
2 PERFORMANCE BOND MAY BE REDUCED TO AN AMOUNT NOT LESS THAN 50% OF
3 THE APPROVED ESTIMATED COST OF CONSTRUCTION, PROVIDED THE FOLLOWING
4 CONDITIONS ARE MET:

5 (1) AN ACTIVE GRADING PERMIT IS IN FORCE FOR THE SITE.

6 (2) DEPARTMENT APPROVAL OF A PRELIMINARY AS-BUILT PLAN
7 WHICH HAS BEEN SUBMITTED BY THE ENGINEER-IN-CHARGE CERTIFYING THAT
8 THE CONSTRUCTION OF THE EMBANKMENT, SPILLWAYS AND EXCAVATED VOLUME
9 MEET THE REQUIREMENTS OF THE APPROVED PLAN.

10 **§ 214-38. LIABILITY INSURANCE.**

11 IF, IN THE OPINION OF THE DEPARTMENT, THE NATURE OF THE WORK IS SUCH
12 THAT IT MAY CREATE A HAZARD TO HUMAN LIFE OR ENDANGER ADJOINING
13 PROPERTY, PROPERTY AT A HIGHER OR LOWER ELEVATION, STREETS, STREET
14 IMPROVEMENTS OR ANY OTHER PROPERTY, THEN THE DEPARTMENT MAY REQUIRE
15 A CERTIFICATE OF INSURANCE. THE CERTIFICATE OF INSURANCE (IF REQUIRED)
16 SHALL BE SUBMITTED TO THE DEPARTMENT PRIOR TO ISSUANCE OF THE
17 STORMWATER MANAGEMENT PERMIT. THE INSURANCE SHALL COVER CLAIMS FOR
18 DAMAGES FOR PROPERTY DAMAGE AND PERSONAL INJURY, IN AN AMOUNT NOT
19 LESS THAN \$25,000, WHICH MAY ARISE FROM OR OUT OF THE PERFORMANCE OF
20 THE WORK, WHETHER SUCH PERFORMANCE IS BY THE APPLICANT, THE
21 APPLICANT'S SUBCONTRACTOR OR ANY PERSON DIRECTLY OR INDIRECTLY
22 EMPLOYED BY THE APPLICANT. THE AMOUNT OF SUCH INSURANCE SHALL BE
23 PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH THE NATURE OF THE
24 RISKS INVOLVED. NEITHER ISSUANCE OF A PERMIT NOR COMPLIANCE WITH THE

**BILL NO. 01-33
AS AMENDED**

1 PROVISIONS HERETO OR ANY CONDITION IMPOSED BY THE DEPARTMENT SHALL
2 RELIEVE ANY PERSON FROM ANY RESPONSIBILITY FOR DAMAGE TO PERSONS OR
3 PROPERTY OTHERWISE IMPOSED BY LAW OR IMPOSE ANY LIABILITY UPON THE
4 COUNTY FOR DAMAGES TO PERSONS OR PROPERTY. FAILURE TO MAINTAIN THE
5 REQUIRED LIABILITY INSURANCE SHALL AUTOMATICALLY OPERATE AS A
6 TEMPORARY REVOCATION OF ANY AND ALL PERMITS ISSUED BY HARFORD
7 COUNTY TO THE PERMITTEE OR THE PERMITTEE'S PREDECESSORS OR SUCCESSORS
8 AND ASSIGNS IN INTEREST.

9 **§ 214-39. MAINTENANCE BOND.**

10 A. A MAINTENANCE BOND OR OTHER APPROVED SECURITY IN A FORM
11 AND MANNER PRESCRIBED BY THE COUNTY ATTORNEY SHALL BE POSTED FOR A
12 MINIMUM PERIOD OF 12 MONTHS FOLLOWING THE APPROVAL OF THE AS-BUILT
13 PLAN. THE BOND OR OTHER SECURITY SHALL COVER LATENT DEFECTS IN LABOR
14 AND/OR MATERIAL REQUIRED TO MAINTAIN ALL GRADE SURFACES, WALLS,
15 DRAINS, DAMS, STRUCTURES, SLOPES, VEGETATION, STORMWATER CONTROL
16 MEASURES AND OTHER PROTECTIVE DEVICES AND/OR DAMAGES RESULTING FROM
17 CONSTRUCTION EQUIPMENT AND VEHICLES DOING WORK IN THAT PORTION OF THE
18 AREA COVERED BY THE TERMS OF THE PERMIT. THE AMOUNT OF THE BOND OR
19 SECURITY SHALL BE DETERMINED BY THE DEPARTMENT AND BE NOT LESS THAN
20 10% OF THE CONSTRUCTION COST.

21 B. PRIOR TO THE END OF THE 12 MONTH PERIOD COVERED BY THE BOND,
22 THE DEPARTMENT WILL PERFORM A FINAL INSPECTION OF THE FACILITY.

23 (1) SHOULD THIS INSPECTION DETERMINE THAT THE FACILITY IS IN
24 GOOD WORKING ORDER AND REPAIR, THE BOND SHALL BE RETURNED.

**BILL NO. 01-33
AS AMENDED**

1 (2) SHOULD THIS INSPECTION FIND FAULT WITH ANY OF THE WORK,
2 THE BOND SHALL REMAIN IN FORCE. NOTICE SHALL BE GIVEN TO THE PERMIT
3 HOLDER AS TO THE REMEDIAL WORK REQUIRED AND THE TIME FRAME ALLOTTED
4 FOR COMPLETION.

5 (3) IF COMPLIANCE IS NOT MADE WITHIN THE TIME SPECIFIED, THE
6 DEPARTMENT SHALL PROCEED, WITHOUT DELAY AND WITHOUT FURTHER NOTICE
7 OR PROCEEDING WHATSOEVER, TO USE THE MAINTENANCE BOND OR ANY
8 PORTION THEREOF TO COMPLETE THE REQUIRED WORK BY CONTRACT OR
9 OTHERWISE AT THE DISCRETION OF THE DEPARTMENT.

10 **§ 214-40. AGREEMENTS BETWEEN COUNTY, MUNICIPALITIES AND OTHER UNITS**
11 **OF GOVERNMENT.**

12 A. THE DEPARTMENT SHALL INFORM ANY INCORPORATED CITY, TOWN,
13 MUNICIPALITY OR OTHER UNIT OF GOVERNMENT POSSESSING POWERS TO
14 REGULATE STORMWATER MANAGEMENT OF ANY PROPOSED STORMWATER
15 MANAGEMENT FACILITY, DEVELOPMENT OR PLAN WHICH COULD AFFECT
16 STORMWATER MANAGEMENT WITHIN ITS JURISDICTION. THE DEPARTMENT SHALL
17 ALSO INFORM ANY SUCH UNIT OF GOVERNMENT OF ANY FUNCTIONAL MASTER
18 PLAN OR PRELIMINARY PLAT OF SUBDIVISION WHICH MAY AFFECT STORMWATER
19 MANAGEMENT WITHIN ITS JURISDICTION.

20 B. THE COUNTY MAY ENTER INTO COOPERATIVE AGREEMENTS WITH ANY
21 UNIT OF GOVERNMENT CONCERNING ANY MATTER RELATING TO STORMWATER
22 MANAGEMENT, INCLUDING BUT NOT LIMITED TO THE PLANNING, DESIGN,
23 CONSTRUCTION AND MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES
24 AND MONETARY CONTRIBUTIONS FOR STORMWATER MANAGEMENT. THE COUNTY

**BILL NO. 01-33
AS AMENDED**

1 MAY ENTER INTO SUCH COOPERATIVE AGREEMENTS IN ORDER TO COORDINATE
2 STORMWATER MANAGEMENT ACTIVITIES WITH ANY UNIT OF GOVERNMENT, TO
3 AVOID DUPLICATION OF EFFORT AND TO MINIMIZE THE COSTS ASSOCIATED WITH
4 AN EFFECTIVE STORMWATER MANAGEMENT PROGRAM.

5 **§ 214-41. ENGINEER-IN-CHARGE.**

6 PRIOR TO THE ISSUANCE OF A STORMWATER MANAGEMENT PERMIT AND
7 PRIOR TO THE CONSTRUCTION OF A STORMWATER MANAGEMENT FACILITY, THE
8 APPLICANT SHALL SELECT AN ENGINEER-IN-CHARGE WHO IS RESPONSIBLE FOR
9 ASSURING THAT THE FACILITY IS BUILT IN ACCORDANCE WITH THE APPROVED
10 PLAN AND SHALL CERTIFY SAME TO THE DEPARTMENT. THE ENGINEER-IN-CHARGE
11 SHALL BE A REGISTERED PROFESSIONAL ENGINEER LICENSED IN THE STATE OF
12 MARYLAND AND SHALL BE EXPERIENCED IN THE DESIGN AND CONSTRUCTION OF
13 STORMWATER MANAGEMENT FACILITIES.

14 **§ 214-42. INSPECTIONS DURING CONSTRUCTION.**

15 A. THE ENGINEER-IN-CHARGE OR HIS REPRESENTATIVE SHALL INSPECT
16 THE CONSTRUCTION OF ALL STORMWATER MANAGEMENT FACILITIES.

17 B. CONSTRUCTION OF ALL STORMWATER MANAGEMENT FACILITIES MAY
18 BE OBSERVED AND REVIEWED BY THE DEPARTMENT OR ITS AUTHORIZED
19 REPRESENTATIVE.

20 C. THE PERMIT HOLDER SHALL NOTIFY THE DEPARTMENT 48 HOURS
21 BEFORE COMMENCING ANY WORK IN CONJUNCTION WITH THE APPROVED
22 STORMWATER MANAGEMENT PLAN.

23 D. AT THE TIME OF THE COMMENCEMENT OF WORK, THE DEPARTMENT
24 SHALL BE PROVIDED WITH AN UPDATED TIMING SCHEDULE AND SEQUENCE

**BILL NO. 01-33
AS AMENDED**

1 REFLECTING PROPOSED TIME FRAMES FOR EACH PHASE OF CONSTRUCTION
2 REQUIRING INSPECTION AS DEFINED UNDER SUBSECTION G OF THIS SECTION. THE
3 PERMIT HOLDER SHALL BE REQUIRED TO INFORM THE DEPARTMENT OF ANY
4 DEVIATION FROM THIS PROPOSED SCHEDULE 24 HOURS IN ADVANCE. FAILURE TO
5 SUBMIT AN UPDATED TIMING SCHEDULE AND SEQUENCE OR TO COMPLY WITH THE
6 SCHEDULE MAY RESULT IN THE ISSUANCE OF A STOP-WORK ORDER OR
7 FORFEITURE OF THE BOND.

8 E. ANY PORTION OF THE WORK WHICH DOES NOT COMPLY WITH ANY
9 REQUIREMENTS OF THIS CHAPTER WILL BE PROMPTLY CORRECTED BY THE
10 PERMITTEE AFTER WRITTEN NOTICE IS GIVEN BY THE DEPARTMENT. THE NOTICE
11 SHALL SET FORTH THE NATURE OF CORRECTIONS REQUIRED AND THE TIME WITHIN
12 WHICH CORRECTIONS SHALL BE MADE.

13 F. AN INSPECTION REPORT SHALL BE COMPLETED FOR EACH INSPECTION
14 CONDUCTED. INSPECTION REPORTS FOR INSPECTIONS CONDUCTED BY THE
15 ENGINEER-IN-CHARGE OR HIS AUTHORIZED REPRESENTATIVE SHALL BE
16 FORWARDED TO THE DEPARTMENT. SHOULD THE DEPARTMENT CONDUCT A SITE
17 VISIT, A COPY OF THE DEPARTMENT'S REPORT SHALL BE AVAILABLE TO THE
18 ENGINEER-IN-CHARGE. A PERMANENT FILE OF ALL INSPECTIONS SHALL ALSO BE
19 MAINTAINED BY THE DEPARTMENT.

20 G. IMMEDIATELY UPON COMPLETION OF THE PROJECT, THE PERMITTEE
21 SHALL NOTIFY THE DEPARTMENT. THE DEPARTMENT SHALL MAKE A FINAL
22 INSPECTION AND SHALL PREPARE A FINAL INSPECTION REPORT, A COPY OF WHICH
23 SHALL BE SUBMITTED TO THE ENGINEER-IN-CHARGE. IF, UPON FINAL INSPECTION
24 IT IS FOUND BY THE DEPARTMENT THAT THE WORK HAS BEEN SATISFACTORILY

**BILL NO. 01-33
AS AMENDED**

1 COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE, THE
2 PERMIT, CONDITIONS, PLANS, DRAWINGS AND SPECIFICATIONS, AND THE
3 REQUIRED INSPECTION REPORTS AND AS-BUILT CERTIFICATION HAVE BEEN
4 SUBMITTED, A COMPLETION CERTIFICATE COVERING SUCH WORK SHALL BE
5 ISSUED TO THE OWNER BY THE DEPARTMENT, AND THE PERFORMANCE BOND
6 SHALL BE RETURNED AS SPECIFIED IN SECTION 214-37.

7 H. INSPECTIONS SHALL BE CONDUCTED IN ACCORDANCE WITH THE
8 RULES AND REGULATIONS OR COMAR 26.17.02.10 (WHICHEVER IS MORE
9 RESTRICTIVE).

10 I. THE DEPARTMENT MAY, FOR ENFORCEMENT PURPOSES, USE ANY ONE
11 OR A COMBINATION OF THE FOLLOWING ACTIONS:

12 (1) A NOTICE OF VIOLATION SHALL BE ISSUED SPECIFYING THE
13 NEED FOR A VIOLATION TO BE CORRECTED IF STORMWATER MANAGEMENT PLAN
14 NONCOMPLIANCE IS IDENTIFIED.

15 (2) A STOP WORK ORDER SHALL BE ISSUED FOR THE SITE BY THE
16 DEPARTMENT IF A VIOLATION PERSISTS.

17 (3) BONDS OR SECURITIES MAY BE WITHHELD OR THE CASE MAY BE
18 REFERRED FOR LEGAL ACTION IF REASONABLE EFFORTS TO CORRECT THE
19 VIOLATION HAVE NOT BEEN UNDERTAKEN.

20 (4) IN ADDITION TO ANY OTHER SANCTIONS, A CIVIL ACTION OR
21 CRIMINAL PROSECUTION MAY BE BROUGHT AGAINST ANY PERSON IN VIOLATION
22 OF STORMWATER MANAGEMENT SUBTITLE OR THIS ORDINANCE.

23 J. ANY STEP IN THE ENFORCEMENT PROCESS MAY BE TAKEN AT ANY
24 TIME, DEPENDING ON THE SEVERITY OF THE VIOLATION.

1 K. ONCE CONSTRUCTION IS COMPLETE, AS-BUILT PLAN CERTIFICATION
2 SHALL BE SUBMITTED BY EITHER A PROFESSIONAL ENGINEER OR PROFESSIONAL
3 LAND SURVEYOR LICENSED IN MARYLAND TO ENSURE THAT CONSTRUCTED
4 STORMWATER MANAGEMENT PRACTICES AND CONVEYANCE SYSTEMS COMPLY
5 WITH THE SPECIFICATIONS CONTAINED IN THE APPROVED PLANS. AT A MINIMUM,
6 AS-BUILT CERTIFICATION SHALL INCLUDE A SET OF MYLARS AND TWO SETS OF
7 DRAWINGS COMPARING THE APPROVED STORMWATER MANAGEMENT PLAN WITH
8 WHAT WAS CONSTRUCTED. THE DEPARTMENT MAY REQUIRE ADDITIONAL
9 INFORMATION.

10 L. THE DEPARTMENT SHALL SUBMIT NOTICE OF CONSTRUCTION TO THE
11 WATER MANAGEMENT ADMINISTRATION ON A FORM SUPPLIED BY THE WATER
12 MANAGEMENT ADMINISTRATION FOR EACH STORMWATER MANAGEMENT
13 PRACTICE WITHIN 45 DAYS OF CONSTRUCTION COMPLETION. IF BMPS REQUIRING
14 DISTRICT APPROVAL ARE CONSTRUCTED, NOTICE OF CONSTRUCTION COMPLETION
15 SHALL ALSO BE SUBMITTED TO THE DISTRICT.

16 **§ 214-43. MAINTENANCE.**

17 A. MAINTENANCE INSPECTION.

18 (1) THE DEPARTMENT SHALL ENSURE THAT PREVENTATIVE
19 MAINTENANCE IS PERFORMED BY INSPECTING ALL STORMWATER MANAGEMENT
20 SYSTEMS. INSPECTION SHALL OCCUR DURING THE FIRST YEAR OF OPERATION AND
21 AT LEAST ONCE EVERY THREE YEARS THEREAFTER. IN ADDITION, A
22 MAINTENANCE AGREEMENT BETWEEN THE OWNER AND THE DEPARTMENT SHALL
23 BE EXECUTED FOR PRIVATELY OWNED STORMWATER MANAGEMENT SYSTEMS AS
24 DESCRIBED IN SECTION 214-44 OF THIS ARTICLE.

**BILL NO. 01-33
AS AMENDED**

1 (2) INSPECTION REPORTS SHALL BE MAINTAINED BY THE
2 DEPARTMENT FOR ALL STORMWATER MANAGEMENT FACILITIES IN ACCORDANCE
3 WITH THE RULES AND REGULATIONS OR COMAR 26.17.01.11 (WHICHEVER IS MORE
4 RESTRICTIVE).

5 (3) AFTER NOTIFICATION IS PROVIDED TO THE OWNER OF ANY
6 DEFICIENCIES DISCOVERED FROM AN INSPECTION OF A STORMWATER
7 MANAGEMENT SYSTEM, THE OWNER SHALL HAVE 30 DAYS OR OTHER TIME FRAME
8 MUTUALLY AGREED BETWEEN THE DEPARTMENT AND THE OWNER TO CORRECT
9 THE DEFICIENCIES. THE DEPARTMENT SHALL THEN CONDUCT A SUBSEQUENT
10 INSPECTION TO ENSURE COMPLETION OF THE REPAIRS.

11 (4) IF REPAIRS ARE NOT UNDERTAKEN OR ARE NOT FOUND TO BE
12 DONE PROPERLY, THEN ENFORCEMENT PROCEDURES FOLLOWING SECTION 214-44D
13 OF THIS ARTICLE SHALL BE FOLLOWED BY THE DEPARTMENT.

14 (5) IF, AFTER AN INSPECTION BY THE DEPARTMENT, THE CONDITION
15 OF A STORMWATER MANAGEMENT FACILITY PRESENTS AN IMMEDIATE DANGER
16 TO THE PUBLIC HEALTH OR SAFETY, BECAUSE OF AN UNSAFE CONDITION OR
17 IMPROPER MAINTENANCE, THE DEPARTMENT SHALL TAKE SUCH ACTION AS MAY
18 BE NECESSARY TO PROTECT THE PUBLIC AND MAKE THE FACILITY SAFE. ANY
19 COST INCURRED BY THE COUNTY SHALL BE ASSESSED AGAINST THE BENEFICIAL
20 USERS, AS PROVIDED IN SECTION 214-44D.

21 **§ 214-44. MAINTENANCE RESPONSIBILITIES.**

22 A. PRIOR TO OR CONCURRENT WITH THE APPROVAL OF THE FINAL PLAT
23 IN ANY SUBDIVISION FOR WHICH STORMWATER MANAGEMENT IS REQUIRED, THE
24 DEPARTMENT SHALL REQUIRE THE APPLICANT OR OWNER TO EXECUTE AN

**BILL NO. 01-33
AS AMENDED**

1 INSPECTION AND MAINTENANCE AGREEMENT BINDING ON ALL SUBSEQUENT
2 OWNERS OF LAND SERVED BY THE STORMWATER MANAGEMENT FACILITY. SUCH
3 AGREEMENT SHALL PROVIDE FOR ACCESS TO THE FACILITY AT REASONABLE
4 TIMES FOR REGULAR INSPECTION BY THE DEPARTMENT OR ITS AUTHORIZED
5 REPRESENTATIVE, AND FOR REGULAR OR SPECIAL ASSESSMENTS OF PROPERTY
6 OWNERS SERVED BY THE MANAGEMENT FACILITY TO ENSURE THAT THE FACILITY
7 IS MAINTAINED IN PROPER WORKING CONDITION TO MEET DESIGN STANDARDS
8 AND ANY PROVISIONS INCLUDED IN THE APPROVED PLAN. THE AGREEMENT SHALL
9 INCLUDE A MAP WITH THE ADDRESSES OF ALL BENEFICIAL USERS OF THE
10 STORMWATER MANAGEMENT FACILITY. THE MAP WILL BE APPROVED BY THE
11 DEPARTMENT PRIOR TO RECORDATION OF THE AGREEMENT. THE AGREEMENT
12 SHALL BE RECORDED IN THE LAND RECORDS OF HARFORD COUNTY.

13 B. THE OWNER(S) OF ANY PROPERTY ON WHICH WORK HAS BEEN
14 COMPLETED PURSUANT TO THIS ARTICLE, OR ANY OTHER PERSON OR AGENT IN
15 CONTROL OF SUCH PROPERTY, SHALL MAINTAIN IN GOOD CONDITION AND
16 PROMPTLY REPAIR OR RESTORE ALL GRADE SURFACES, WALLS, DRAINS, DAMS
17 AND STRUCTURES, PLANTINGS, VEGETATION, EROSION AND SEDIMENT CONTROL
18 MEASURES AND OTHER PROTECTIVE DEVICES. SUCH REPAIRS OR RESTORATIONS
19 AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE APPROVED PLANS.

20 C. A MAINTENANCE SCHEDULE SHALL BE DEVELOPED FOR THE LIFE OF
21 ANY STORMWATER MANAGEMENT FACILITY. THIS SCHEDULE SHALL STATE THE
22 MAINTENANCE TO BE PERFORMED, WHEN IT SHALL BE PERFORMED AND WHO
23 SHALL PERFORM THE MAINTENANCE. THIS MAINTENANCE SCHEDULE SHALL BE
24 PRINTED ON THE STORMWATER MANAGEMENT PLAN.

**BILL NO. 01-33
AS AMENDED**

1 D. IF MAINTENANCE REQUIRED BY THIS ARTICLE OR BY THE RULES AND
2 REGULATIONS IS NOT COMPLETED, THE OWNER(S) OF THE FACILITY SHALL
3 RECEIVE NOTIFICATION FROM THE COUNTY REQUIRING THAT SUCH MAINTENANCE
4 WORK SHALL BE PERFORMED WITHIN 30 DAYS OR AS SPECIFIED BY THE
5 DEPARTMENT. IF SUCH WORK IS NOT SATISFACTORILY COMPLETED BY THE
6 OWNER(S) OF THE STORMWATER MANAGEMENT FACILITY WITHIN THE SPECIFIED
7 PERIOD OF TIME, ANY OF THE FOLLOWING ACTION OR COMBINATIONS OF ACTIONS
8 SHALL BE IMPLEMENTED BY THE COUNTY:

9 (1) REVOCATION OF ALL EXISTING PERMITS ISSUED TO THE
10 OWNER(S) OF THE STORMWATER MANAGEMENT FACILITY IN HARFORD COUNTY,
11 UNTIL THE PROBLEM HAS BEEN CORRECTED.

12 (2) DENIAL OF ALL FUTURE HARFORD COUNTY PERMITS TO THE
13 OWNER(S) OF THE STORMWATER MANAGEMENT FACILITY UNTIL THE PROBLEM
14 HAS BEEN CORRECTED.

15 (3) COMPLETION OF SUCH REQUIRED WORK BY THE COUNTY. THE
16 COST OF SUCH WORK SHALL BE PAID TO THE COUNTY BY THE OWNER(S) OR THE
17 BENEFICIAL USERS WHO FAILED TO TAKE CORRECTIVE ACTION AND SHALL BE
18 EITHER A LIEN ON THE PROPERTY OR PRORATED AGAINST THE BENEFICIAL USERS
19 OF THE PROPERTY AND MAY BE PLACED ON THE TAX BILL(S) AND COLLECTED AS
20 ORDINARY TAXES BY THE COUNTY.

21 **§ 214-45. APPEALS.**

22 ANY PERSON AGGRIEVED BY THE ACTION OF ANY OFFICIAL CHARGED WITH
23 THE ENFORCEMENT OF THIS ARTICLE, AS THE RESULT OF THE DISAPPROVAL OF A
24 PROPERLY FILED APPLICATION FOR A PERMIT, ISSUANCE OF A WRITTEN NOTICE OF

1 VIOLATION OR AN ALLEGED FAILURE TO PROPERLY ENFORCE THE ARTICLE IN
2 REGARD TO SPECIFIC APPLICATION, SHALL HAVE THE RIGHT TO APPEAL THE
3 ACTION TO HARFORD COUNTY'S DIRECTOR OF ADMINISTRATION. THIS APPEAL
4 SHALL BE FILED IN WRITING WITHIN 10 DAYS OF THE DATE OF OFFICIAL
5 TRANSMITTAL OF THE FINAL DECISION OR DETERMINATION TO THE APPLICANT,
6 SHALL STATE CLEARLY THE GROUNDS ON WHICH THE APPEAL IS BASED AND
7 SHALL BE PROCESSED IN THE MANNER PRESCRIBED FOR HEARING
8 ADMINISTRATIVE APPEALS UNDER THE HARFORD COUNTY CODE.

9 **§ 214-46. SEVERABILITY.**

10 IF ANY PORTION OF THIS ARTICLE IS HELD INVALID OR UNCONSTITUTIONAL
11 BY A COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL NOT AFFECT THE
12 VALIDITY OF THE REMAINING PORTIONS OF THIS ARTICLE. IT IS THE INTENT OF
13 THE COUNTY THAT THIS ARTICLE SHALL STAND, EVEN IF A SECTION, SUBSECTION,
14 SENTENCE, CLAUSE, PHRASE OR PORTION MAY BE FOUND INVALID.

15 **§ 214-47. RULES AND REGULATIONS.**

16 THE DEPARTMENT SHALL ESTABLISH AND REVISE AS NECESSARY THE
17 HARFORD COUNTY RULES AND REGULATIONS FOR STORMWATER MANAGEMENT
18 FOR ADMINISTRATION OF THE PROVISIONS OF THIS ARTICLE IN ACCORDANCE WITH
19 SECTION 807 OF THE CHARTER OF HARFORD COUNTY, MARYLAND, WITH
20 OPPORTUNITY FOR FULL PARTICIPATION FROM THE HARFORD SOIL CONSERVATION
21 DISTRICT AND SHALL OBTAIN RECOMMENDATIONS FROM THE DISTRICT PRIOR TO
22 THE PUBLIC HEARING.

23 **§ 214-48. TRANSITIONAL PROVISIONS.**

24 A. EXCEPT AS SPECIFICALLY EXEMPTED BY THIS ARTICLE, ALL

**BILL NO. 01-33
AS AMENDED**

1 DEVELOPMENT ACTIVITY IN HARFORD COUNTY SHALL CONFORM TO THE
2 REQUIREMENTS OF THESE DOCUMENTS.

3 B. ANY DEVELOPMENT WHICH WAS GRANTED PRELIMINARY PLAN
4 APPROVAL FROM THE DEPARTMENT OF PLANNING AND ZONING PRIOR TO THE
5 ADOPTION OF BILL 84-83 SHALL BE EXEMPTED FROM THE REQUIREMENTS OF THIS
6 ARTICLE IF CONSTRUCTED WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS
7 ARTICLE.

8 C. FOR ANY DEVELOPMENT WHICH WAS GRANTED PRELIMINARY PLAN
9 OR SITE PLAN APPROVAL FROM THE DEPARTMENT OF PLANNING AND ZONING
10 PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE AND AFTER ADOPTION OF BILL 84-
11 83, THE STORMWATER MANAGEMENT REGULATIONS IN EFFECT AT THE TIME OF
12 PRELIMINARY PLAN APPROVAL OR SITE PLAN APPROVAL SHALL REMAIN IN EFFECT
13 UNTIL THE EARLIER OF THE EXPIRATION OF PRELIMINARY PLAN APPROVAL, THE
14 EXPIRATION OF SITE PLAN APPROVAL OR TWO YEARS FROM STORMWATER
15 MANAGEMENT PLAN APPROVAL. ANY NONRESIDENTIAL DEVELOPMENT SERVED
16 BY A REGIONAL STORMWATER MANAGEMENT FACILITY WHICH ADDRESSES
17 WATER QUALITY AND IS CONSTRUCTED WITHIN TWO YEARS OF THE EFFECTIVE
18 DATE OF THIS ARTICLE SHALL BE EXEMPTED FROM THE REQUIREMENTS OF THIS
19 ARTICLE, PROVIDED THE INDIVIDUAL LOT HAS BEEN CONSTRUCTED BY JANUARY 1,
20 2005.

21 D. ANY DEVELOPMENT WHICH HAS BEEN GRANTED PRELIMINARY PLAN
22 APPROVAL OR SITE PLAN APPROVAL FROM THE DEPARTMENT OF PLANNING AND

**BILL NO. 01-33
AS AMENDED**

1 ZONING AFTER THE EFFECTIVE DATE OF THIS ARTICLE SHALL CONFORM TO THE
2 REQUIREMENTS OF THIS ARTICLE AND APPLICABLE RULES, REGULATIONS AND
3 DESIGN MANUAL CRITERIA.

4 E. STORMWATER MANAGEMENT PLANS WITH VALID APPROVAL AS OF
5 THE EFFECTIVE DATE OF THIS ARTICLE SHALL BE VALID FOR TWO YEARS FROM
6 THE EFFECTIVE DATE OF THIS ARTICLE. IF THE FACILITY IS NOT CONSTRUCTED
7 WITHIN THAT TWO-YEAR PERIOD, THEN THE PLANS MUST BE REVISED TO MEET
8 THE REQUIREMENTS OF THIS ARTICLE.

9 F. THE PROVISION OF SECTIONS 214-37, 214-38 AND 214-39 AND THE
10 CRIMINAL PROVISIONS OF SECTION 214-49 SHALL NOT APPLY TO MUNICIPAL
11 CORPORATIONS, COUNTY OR STATE AGENCIES WITHIN THE STATE OR ANY
12 COMBINATION THEREOF.

13 **§ 214-49. VIOLATIONS AND PENALTIES.**

14 A. ANY PERSON CONVICTED OF VIOLATING THE PROVISIONS OF THIS
15 ARTICLE SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF,
16 SHALL BE SUBJECT TO A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT NOT
17 EXCEEDING ONE YEAR OR BOTH FOR EACH AND EVERY VIOLATION WITH COSTS
18 IMPOSED IN THE DISCRETION OF THE COURT. EACH DAY THAT THE VIOLATION
19 CONTINUES SHALL BE A SEPARATE OFFENSE. IN ADDITION THERETO, THE COUNTY
20 MAY INSTITUTE INJUNCTIVE, MANDAMUS OR ANY OTHER APPROPRIATE ACTION OR
21 PROCEEDINGS AT LAW OR EQUITY FOR THE ENFORCEMENT OF THIS ARTICLE OR TO
22 CORRECT VIOLATIONS OF THIS ARTICLE, AND ANY COURT OF COMPETENT
23 JURISDICTION SHALL HAVE THE RIGHT TO ISSUE RESTRAINING ORDERS,
24 TEMPORARY OR PERMANENT INJUNCTIVE OR MANDAMUS OR OTHER APPROPRIATE

1 FORMS OF REMEDY OR RELIEF.

2 B. IN ADDITION TO THE ABOVE-ENUMERATED PENALTIES, THE COUNTY
3 MAY, IF IT FINDS A VIOLATION OF THIS ARTICLE, WITHHOLD ANY PERMITS OR
4 FUTURE PERMITS OF THE VIOLATOR AND/OR ISSUE STOP-WORK ORDERS ON WORK
5 BEING PERFORMED PURSUANT TO A COUNTY PERMIT.

6 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date
7 it becomes law.

EFFECTIVE: January 28, 2002

**BILL NO. 01-33
AS AMENDED**

HARFORD COUNTY BILL NO. 01-33 (AS AMENDED)

Brief Title) Sediment Control and Stormwater Management

is herewith submitted to the County Council of Harford County for
enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James E. Massey, Jr.
Administrator

[Signature]

Date 11-20-01

Date 11/20/01

BY THE COUNCIL

Read the third time.

Passed: LSD 01-34 (November 20, 2001)

Failed of Passage: _____

By Order

James E. Massey, Jr.
Council Administrator

Sealed with the County Seal and presented to the County Executive for
approval this 21st day of November 2001, at 3:30 p.m.



James E. Massey, Jr.
Council Administrator

BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED:

Date 11-27-01

BY THE COUNCIL

This Bill (No. 01-33 a/a), having been approved by the Executive and returned to the
Council, becomes law on November 27, 2001.

James E. Massey, Jr.
Council Administrator

**BILL NO. 01-33
AS AMENDED**

EFFECTIVE DATE: January 28, 2002